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Our Radioactive Wards
NO ONE WARNED THE MICRONESIANS
Roger W. Gale

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LETTERS

the Shirer article

Chicago, Ill.

DEAR SIRS: I wish William Shirer's article, "The *Hubris* of a President" [*The Nation*, Jan. 22] were required reading for every person in this country! *Isabelle Schuh*

Copies may be obtained from The Nation, *333 Sixth Ave., New York 10014, at these rates: Single copies 25¢, 10 copies 20¢ ea., 50 copies 15¢ ea., 100 copies 10¢ ea.*

prison unions

San Francisco, Calif.

DEAR SIRS: Prisoners in federal and state prisons throughout America have for about two years been organizing labor unions. For two centuries convicts have provided free or extremely cheap labor (3¢, 4¢ or 5¢ an hour) to the state. . . . There are factories in most every prison in the country employing the only laborers left who are not protected by the Thirteenth Amendment or the National Labor Relations Act. They are in all respects slaves of the state.

In most of the twenty-eight states that have public employment statutes, prisoners have organized labor unions and are petitioning their state employment relations boards to have them recognize convicts as employees of the state. . . . Prisoners' unions are arguing that, when wardens and superintendents have to sit down on a fair and equal basis with prisoners and bargain openly, prisons will become less violent, more rehabilitative, and eventually less populated.

Prisoners have learned from the bitter experience of the American labor movement that . . . until they are forced by law to bargain in good faith, prison administrators will react to prisoners' grievances the way business management did before the National Labor Relations Act was passed. They will ask the governor to call out the militia.

Research on prisoners' labor unions throughout the country is being done by Public Interest Communications, Inc., 857 Montgomery St., San Francisco 94133. They will be happy to provide reports and information. *Mark Dowie*

Labour and the EEC

London, England

DEAR SIRS: I cannot resist the opportunity of correcting some of the more obvious inaccuracies contained in "Socialists and the Common Market" by Bernard K. Johnpoll [*The Nation*, Dec. 18, 1972]. My criticisms relate to the material on the British Labour Party, since I cannot speak with any authority for the Danish or the Norwegian.

First, it is rather deceptive to state that the Labour Party's "recent annual convention (*sic*) made clear that a majority of its 6.5 million members oppose British membership under any conditions," without explaining that most of the millions of votes cast against British membership were "bloc votes" cast by the giant trade unions, such as the Transport Workers and the Engineers, who together account for well over 2 million of the votes and who are led, respectively, by the anti-Marketeers Jack Jones and Hugh Scanlon.

It was even more startling to read that "Mr. Jenkins and his followers" include the editors of the *New Statesman*, a journal which, under the former editorship of R.H.S. Crossman and the current editorship of Anthony Howard, has been a consistent opponent of British membership of the EEC.

Regarding Mrs. Shirley Williams, she is *not* Mrs. Shirley Wilson (no relation to Harold either), and it is meaningless to describe her views on the Common Market as "slightly more moderate than even Mr. Wilson's." She has been a consistent supporter of British membership of the EEC (which Mr. Wilson has not), and her stand on this issue is

(Continued on page 179)

EDITORIALS

The Clockwork Inaugural

The clockwork, corporate second inaugural of Richard Nixon came off on schedule—even a bit ahead of schedule. It was tidy, profitable and banal. Its dominant quality was variously described as "clouded," "strange" and "dreary." Everyone was well-behaved, including the peace marchers. But the inaugural ceremonies, and even the President's address, evoked little, if any, enthusiasm. The well-heeled corporate executives, who were rewarded with amenities neatly graduated to the scale of their political contributions, were no doubt pleased, even satisfied, with the President, but they were not jubilant. A reporter for *The New York Times* observed of the crowds that "they cheered or they jeered or they just stayed home." The President's address was "frequently interrupted by applause," but it was perfunctory. If the President had been able to announce a cease-fire agreement, that might have lifted the feelings of those who viewed the scene live or on television; but it was obvious that agreement was near, so even an announcement that one had been reached would probably not have driven the smog from the prevailing atmosphere.

A consistent theme runs through the comments on this costliest and least exuberant of inaugurals, as well as on the address in which Mr. Nixon raised the uninspiring banner of civility and self-interest. Most of the reports touched, in one way or another, on qualities of the President which have not endeared him to the American people, including his partisans. He had spoken, in his first inaugural, of conciliation and togetherness, but this second inaugural was terse, arrogant and self-satisfied. Conciliation was not its theme. Sensing the overtones, many of the commentators expressed concern that the President might not be able to unite the country; some speculated that his pre-Christmas bombings had deepened the schisms.

But those concerned with the spectacle of a divided America—and an incipient constitutional crisis—should not fix their attention exclusively on Mr. Nixon. Throughout his political career, he has stressed divisive issues and cunningly exploited the potential of a politics of hostility. But one man could not and did not create the divisions that were so vividly exhibited in Washington. In a perceptive column, Mary McGrory noted: "They had absolutely nothing to say to each other, the celebrators and the demonstrators. The two opposing tides of America, the invited and the uninvited, surged past

THE CEASE-FIRE

O. Edmund Clubb

Next week, Mr. Clubb, who served for eighteen years as a Foreign Service Officer in China and who is the author of *20th Century China* and *China and Russia: The "Great Game,"* will analyze the cease-fire agreement, its meaning and implications, possible pitfalls, and the long-term chances for peace.

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each other on Constitution Avenue as the parade was ending and the protest was winding down. They eyed each other, but they did not speak." They did not speak because there was nothing to say. The disturbing truth is that Americans are not divided today on political issues; such issues can generally be settled by discussion and compromise or the emergence of new leadership or new problems or both.

What we face is a kind of cultural warfare. Class and race are involved but, overall, two different cultures are in conflict. A division of this sort presents problems of a different magnitude than mere political opinion. If you believe, for example, that the Christmas bombings were not only justified but were responsible for bringing about a cease-fire, then you can hardly expect to be reconciled with those Americans who regard the bombings as an abomination. The hard fact is that a generation of cold-war "affluence" has produced a counter-counter-culture that makes a point of negating the classic American political values, "the promise of America." The stereotype that the polls kept projecting during the campaign—of voters who were indifferent to the bombings, unmoved by corruption, without concern for the poor or the black or the unemployed or the elderly—seemed unbelievable, but it reflected a reality.

Richard Nixon, as Pete Hamill, the *New York Post*'s columnist notes, did not create this America; he is the "ultimate creation" of the counter-counter-culture. A recent *New Yorker* cartoon showed a man sitting at a bar. "Look, Nixon's no dope," he says to a companion. "If the people really wanted moral leadership, he'd give them moral leadership." The difficulty of facing this reality prompted *The New York Times* to ask: "Which is the real America? It is no longer a matter of how we are being judged in the eyes of the world; that judgment is obvious. It is how we look upon ourselves as a people. . . ." In a sense, America is in revolt against itself, against its cherished if never fully attained values, against what most Americans believed to be true about themselves. A good resolution for this new year would be, then, to stop beating up on Nixon as the instigator of the "other America"—although he certainly brought it to power—and to concentrate instead on the disquieting fact that two Americas now divide the value spectrum.

The Guns of Williamsburg

A grotesque but revealing dissonance marred television's projection of the inaugural festivities. Those glued to the tube could turn every now and then to the compelling drama of the shoot-out at John & Al Sports, Inc., in the Williamsburg section of Brooklyn. There, four Black Muslims were holding nine (originally eleven) hostages and keeping an army of police at a discreet distance. The blacks were fair shots and they had access to an arsenal of weapons and a vast store of ammunition, so they were able to last for forty-seven hours, as the police wisely decided not to move in.

Characterize them as you will, there was an impressive quality about the way in which these men resolved to insist on a measure of respect and to protest the

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degradation of their black brothers. Misguided, yes; fantastically ill-advised, yes; but the letter they released through Dr. Thomas Matthew, a black physician who courageously volunteered to enter the store to treat one of the four who was seriously wounded, is not without dignity: "O America abandon your immoral and unjust ways for your destruction is imminently near. Our actions are an expression of our opposition to oppression."

One may feel that suicidal shoot-out tactics are not an appropriate response to oppression (American-style), and yet still be moved by what these men said. The scene in Williamsburg should have jarred the complacency of those participating in the fat-cat inaugural, but one may be sure that no such effect was recorded. James Farmer, former high-ranking official in the Nixon Administration, said in a TV interview which could have been watched while turning now and then to Washington and Williamsburg, that the President has no contact with the black community and never consults black leaders, but relies on what White House aide Leonard Garment tells him about the state of the black psyche.

The Black Muslims will not change the policy of "benign neglect," which for President Nixon seems now to have won majority approval at the polls. Their desperate action may, indeed, contribute to the backlash; every white policeman killed in such actions—and one was killed in this one—only contributes to the pressure for a policy of "containment by police action." The guns of Williamsburg upset the harmony of the inaugural, at least for TV viewers, but the response was predictable. The New York *Daily News* reports that the Muslim sects may now expect a thorough inquisition.

The Last March

There was little advance organization, little advance publicity, yet perhaps 100,000 people showed up in Washington on inaugural day for "the last peace march." Though the press reported the crowds to be considerably bigger than the police estimates, the coverage was rather casual. Just another peace march, smaller than some.

Yet it was an extraordinary thing. Never in American history had so huge a demonstration taken place on inauguration day. Why were they there? Surely no one could have believed that a demonstration, no matter how massive, would have any significant effect on Richard Nixon. Besides, perhaps this time peace really was at hand. Yet they were there by the scores of thousands on a raw, blustery January day.

There must have been a lot of reasons. Some were still outraged by the terror bombing of North Vietnam. Others, veterans of march after march, felt that they simply had to be there for the last one. For them—you could hear it on the busses and on the streets—there was a great sense of nostalgia. These marches, however futile, had been among the great experiences of their lives. This communion, this sharing of food and drink, this coming together in a common cause, might never happen again. They knew it and they had to be there.

But there was more even than that, a sense of bearing witness. They refused to let Richard Nixon and his kind have the national capital to themselves on this inauguration day. They wanted the nation and the world to know that there was another America.

Yet an essential question remains unanswered. If, finally, the war is over, will we be able to come together again, to pool those immense resources of moral and political strength? If so, we can together do some things that badly need doing. If not, it will be one more terrible waste to add to the wasted lives and the wasted treasure of the war in Vietnam. RICHARD J. WALTON

LBJ

Lyndon Baines Johnson's accomplishments as President include the selfless way in which he moved to effect a swift transition after the national trauma of the assassination. He went out of his way to keep the Kennedy team, although by all indications he would have been better off if he had put in his own crew. They might not have been better or brighter, but he could have worked with them more efficiently and with less personal stress.

His other major accomplishment was his ardent advocacy of civil rights, which he had really come to *feel*. He had the votes to pass those laws: even so, his strong personal advocacy was important. It got the program off the ground and gave it a kind of national sanction. The more credit is due him because he had not always thought that way.

Not much more can be said on the positive side. The Harris poll revealed that on a score of counts he was not rated highly as a President, and the chances are that history will mirror the contemporary estimate. He lacked the qualities—mysterious and difficult to define—which make for Presidential leadership. He was not the phenomenal cloakroom manipulator he was reputed to be, but he was better in that environment than in the White House.

Johnson felt that his personal "style" handicapped him; Max Frankel says he was larger than life—"almost a caricature of the Texas caricature he could never shake." This seems to us a misconception. The American people will endure, even admire, a wide spectrum of styles, manners and mannerisms. It was not anything so superficial that did Johnson in. He lacked credibility, and that lack the American people will not forgive—nor should they, whether the President be Johnson or Nixon.

His fatal mistake was in Vietnam. The contrast with Goldwater was clear in 1964, and the voters accepted Johnson's word that he opposed an escalation of the war. Giving him the benefit of the doubt on the question of whether he was already planning escalation, assuming that his hand was forced by men and events after the election, one still cannot explain away the Gulf of Tonkin maneuver. Once he realized the trap of Vietnam, he did halt *some* of the bombing and set the Paris talks in motion. That decision, and the related decision to step down, remains to his credit. But it was too late to repair the damage.

Johnson has been compared with Lincoln. Even allowing for the wave of laudation that follows the death of a President, that is nonsense. Lincoln sought advice from all quarters, listened intently and with infinite patience, thought deeply, agonized, and finally did what he

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felt he had to do—no less than what his conscience told him he must do as President of the United States. It was these inner qualities that after more than a century still haunt his countrymen, and why it is impossible for most Americans to read his Second Inaugural Address to this day without the deepest emotion.

LBJ was not in that class, but he aspired to it, and there is pathos in his failure. But the gap between what he would have liked to be, and what he was, is as wide as the moral gap between the Indochinese war and the War between the States.

Jane Roe and Mary Doe

It is not easy to get an appealed case as far as the Supreme Court of the United States; the Court does not concern itself with bagatelles. It is even rarer—probably unprecedented—for litigants to carry their appeals to the Court anonymously. Yet, two women, designated Jane Roe and Mary Doe, residents of Texas and Georgia, respectively, did just that—and won their cases. The reason for the anonymity was that they wanted abortions, disallowed by the laws of their states. Mary, 22 years old, eleven weeks pregnant with her fourth child when she brought the action, was married. Jane, age not given in the news reports, was unmarried. Now that they have prevailed in a matter of enormous religious, ethical and social importance, they may choose to reveal their identities, but their right to privacy in that respect, as well as their right not to bear children, has been upheld by the Court. They, and the seven Justices who voted in their favor, have performed a service of incalculable importance for American womanhood.

As a fringe benefit, they have taught the country a lesson in the practical workings of democracy and to that degree strengthened our system of government. As recently as ten years ago it was inconceivable that such a decision could have been handed down. What are the prerequisites for such a reversal of attitude at the highest judicial level? For one thing, there must be a special constituency, imbued with zeal, packing the force of reason, and pushing hard for a change in the law. Without an activist vanguard, the ancient concepts will not be questioned, much less critically examined. In the matter of abortion, Planned Parenthood, Women's Lib, liberal gynecologists and other groups provided the motive power.

Then, the special constituency must have able and dedicated counsel who will painstakingly marshal not merely the law, but the facts of the situation to show the weaknesses in the accepted way of doing things, or not doing them. This branch of the law is far more exacting—and unrewarding in terms of money—than, for instance, bankruptcy law.

Perseverance is a *sine qua non*. Counsel must be prepared to lose the first, second, third rounds, and continue without flagging. They must tire the appellate judges until they begin reflecting and develop a sense of guilt about the mistakes they and their brethren have made and keep on repeating. It takes patience, tenacity, dogged persistence, as well as intellect and skill in the law. When these are brought to bear, circumstances may favor those hitherto unfavored. In the case of capital punishment, executions were blocked to such an extent that the accumulated backlog left the Supreme Court little choice but to declare the practice unconstitutional. The alternative would have been a legalized massacre.

Before the courts can change, the mores must change. A new consciousness must emerge. It may take decades, generations. It may never appear at all; on the other hand, it can come with amazing speed when time, acting through men, has done its work. Some aspects of this process are mysterious, others can be discerned without much difficulty—for instance, exchange of experience from one generation to the next. Judges have sons and daughters, nephews and nieces, and are often informed of developments of which they do not formally take "judicial knowledge."

In the abortion controversy, it became clear, also, that gross discrimination was involved: the rich had no problem, the poor did, and more particularly the black poor on welfare. Even more than health care generally, the right to abortion depended on the economic status of those who desired it. Often, also, a progressive cause benefits for dubious reasons as well as ethically acceptable ones—might not the increasing tax burden of the "bums on welfare" be kept in check if their reproduction could be checked? This may have been a factor in the passage by the New York State legislature of a liberal abortion law, which has been generally successful. The legislature was moved by many of the same forces that moved the Supreme Court. Because the Catholic Church was so vehemently opposed to abortion, it took a certain amount of courage for the Assemblymen and Senators to pass a liberal law and for Governor Rockefeller to resist attempts to repeal it.

The medical inputs are those of any technology—practice develops a body of specialists and improved techniques. New York City Health Department statistics show that complications of any kind—a headache rated as a complication—dropped from 4.6 per thousand the first year to 3.0 the second. On the average, abortion is now safer than childbirth. Both the voluntary and proprietary abortion clinics in New York are on a par with the best hospital practice, and the possibility of a reversion to back-alley abortion is so revolting as to border on the inconceivable.

The religious aspect remains unchanged by the Supreme Court decision. Those who wish to have children, a few or many, can still have them. They are free to try to convince their fellow citizens that the "right to life" is indivisible and paramount. But those who wish the Catholic Church well can only be dismayed by the insistence of the bishops, an exclusively male, celibate sodality, on a doctrine which almost half of Catholic women repudiate. A prime reason for the alienation of many formerly practicing Catholics is the opposition of the hierarchy to both contraception and abortion.

The Supreme Court decision does not go all the way. There will be renewed efforts to circumvent it. But it is a rebuke to President Nixon's letter of May 1972 to Cardinal Cooke, flatly opposing "liberalized abortion policies," and a salutary reassertion of the independence of the Supreme Court, in that three of the four Justices appointed by Mr. Nixon voted with the majority.

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OUR RADIOACTIVE WARDS

No One Warned the Micronesians

ROGER W. GALE
Mr. Gale teaches a course on Micronesia at the University of California Extension, Berkeley; he is West Coast director of the Friends of Micronesia.

When the first postwar atomic bomb was to be tested on Bikini in the summer of 1946, the people of Rongelap atoll, about 100 miles away, were evacuated as a precaution. But on March 1, 1954, when Bravo, the first deliverable thermonuclear weapon (H-bomb)—750 times more powerful and much dirtier than the earlier bombs—was detonated on Bikini, the people of Rongelap were left there as sitting ducks. Winds aloft carried radioactivity eastward, heavily contaminating the eighty-two people on Rongelap as well as the twenty-three Japanese fishermen aboard the *Lucky Dragon*; 154 other Marshallese and twenty-eight Americans were also doused with fallout. The nightmare of that day is still with the Rongelapese. The latest victim is 19-year-old Lekoj Anjain who died recently of acute myelogenous leukemia. Now that American rule of Micronesia, derived from a Trusteeship Agreement with the United Nations, may be about to end, the Marshallese are no longer willing to be used as guinea pigs by researchers from the U.S. Atomic Energy Commission. Last year, when AEC doctors arrived to conduct their annual survey the Marshallese victims refused to submit to examination.

Early on that first day of March the people of Rongelap saw a brilliant flash in the western sky. Running out of their houses to the beach they saw an enormous pillar of yellowish fire rising in the sky. Soon the weather seemed to change; the sky darkened and a storm appeared imminent. Several hours after the explosion, the atoll was suddenly enveloped in a heavy mist and particles of highly radioactive coral ash which had been sucked up from Bikini and suspended 100,000 feet in the air, began to fall like snow.

There was no immediate sickness but by nightfall, a few hours after the storm ended, people's skin began to itch and sting; some of them had burning eyes and almost all of them were nauseated. They were very tired, lost their appetites and soon had diarrhea. Burn lesions began to appear on their bodies the next day and most of them started losing clumps of hair, some of them becoming temporarily bald.

The people of Utirik, farther from the Bravo blast, did not see any ash but developed similar symptoms although they did not receive anywhere near the 175 rads of whole body radiation which penetrated the Rongelapese. The twenty-eight Americans on an island near Rongelap had been briefed on what to do. They put on extra clothing and took cover when the blast went off; consequently they were not seriously injured. No one had warned the Micronesians.

Two days after the test, the people were evacuated by Navy ship to Kwajalein where they received medical attention; the day before, a ship had by-passed Rongelap to evacuate the twenty-eight Americans. The first public announcement about the blast, issued by the Atomic Energy Commission on March 11, bore little resemblance to the facts of the tragedy.

> During the course of a routine atomic test in the Marshall Islands 28 United States personnel and 236 residents were transported from neighboring atolls to Kwajalein Island according to a plan as a precautionary measure. These individuals were unexpectedly exposed to some radioactivity. There were no burns. All reported well. After the completion of the atomic tests, the natives will be returned to their homes.

In fact, *the test was not routine.* Bravo was the first of its kind, the first of a series and the first to have been detonated on Bikini in eight years. *The people had not been moved before the test* and *there were beta burns.* The Rongelapese *did not return home* after the tests, they spent three and a half years in exile waiting for their island to "cool off" to a point where it was even minimally safe for rehabitation.

Robert Conard, the Brookhaven National Laboratory's expert on Rongelap and Utirik, said that unexposed Rongelapese who returned with the contaminated population in 1957 made an "ideal comparison population" for studying radiation effects. They have been convenient guinea pigs for AEC research, being the only population to have been exposed to high-level, whole-body radiation without also suffering physical and psychological trauma from the nuclear blast itself as had been the case in Hiroshima and Nagasaki. Other than the crew of the *Lucky Dragon,* they remain the only people to have been heavily contaminated by fallout from an H-bomb with its exceptionally complex patterns of radioactive dispersion.

Was the exposure of the Marshallese really an accident? Micronesian Congressman Ataji Balos charges that the Marshallese were deliberately contaminated. Paul Jacobs has published evidence that the AEC may have deliberately contaminated American soldiers during nuclear weapons tests in Nevada. There was a great deal of carelessness in the Marshalls and a willingness to take risks with the brown-skinned Marshallese that would not normally have been acceptable in Nevada, where most other nuclear tests have occurred. All of the large nuclear blasts were detonated on either Bikini or Eniwetok because these sites are 500 miles or more from busy air and sea routes. But, as in Nevada, there were small population centers within the danger area of the blasts. In fact, there are probably more isolated locations in Nevada than there are in the Marshalls. The danger zone around Bikini was enlarged eight times *after* the Bravo test, but its eastward boundary conveniently excluded populated islands. One island, Ailinginae, was geographically within the prohibited zone but not so included on AEC maps. The twenty-eight Americans who were contaminated, as well as eighteen of the Rongelapese, were on Ailinginae on March 1, 1954.

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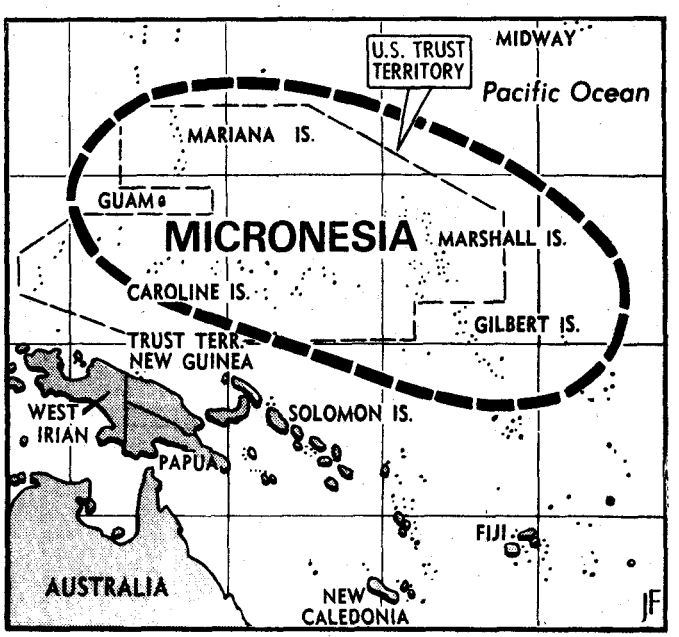
Some of the effects of radiation may not have been induced in the Rongelapese until years after they returned home, according to some Japanese radiation experts. In 1957, when the AEC moved them back, Rongelap still retained high background levels of radioactivity, and the AEC, which usually plays down radiation dangers, reported that "there was obviously a certain degree of uncertainty" about the safety of food grown on the island. Only last October did the AEC announce that coconut crabs, a delicacy in the Marshalls, could be eaten; even now they are not safe for regular consumption. The fallout from Bravo killed many chickens and pigs on the island and vegetation still shows signs of radiation-induced mutations. After the return home, levels of radiation in individuals' bodies increased drastically, and even those who had not been on the island in 1954 were soon showing much higher radiation counts than other Marshallese, despite the fact that almost all Marshallese had relatively high radiation counts as a result of widespread fallout from the tests. Strontium 90 levels went up six times, cesium 137 levels went up sixty times. Even previously uncontaminated people had strontium 90 and cesium 137 levels ten times higher than other Marshallese who were used as a control group. How much strontium 90 is safe is unknown, the AEC having almost doubled the "permissible" dosages, without explanation, when strontium 90 levels rose dramatically, almost to the danger point, in the height of American, Russian and British nuclear testing. In 1963, radiation levels of the people on Rongelap were about 100 times that of the average "uncontaminated" Japanese.

The Japanese Government received $2 million in compensation for the *Lucky Dragon* from the United States Government one year after the tragedy, the biggest part of that going, not to the victims but to the Japanese tuna industry. Only eighty-nine of the Marshallese have ever received compensation and only after they protested to the United Nations and threatened to take legal action. The United States awarded them about $950,000 in 1962. The Marshallese are now demanding additional compensation for severe aftereffects now being felt for the first time. The worst of these—leukemia, thyroid cancer and cataracts—may still appear in any numbers. Lekoj Anjain, who died in a U.S. hospital, is the first victim to be found with leukemia.



Christian Science Monitor

Almost every child (89.5 per cent) who was contaminated in 1954 has had thyroid abnormalities of some sort. Many of them have been sent to U.S. hospitals for surgery. The first case of thyroid tumor was not detected until 1964; since then there have been more than twenty additional cases, including two new cases of thyroid tumors found this year. Three of the tumors have been cancerous. Almost all children have at least slight growth retardation and there are some cases of severe stunting. One 12-year-old child, for example, was the size of a 5-year-old before receiving hormone treatment.

The number of stillbirths in the years after the bomb was about double that for the rest of the Marshalls. The annual death rate for the Marshalls (as of 1963) was 8.3 per 1,000; for Rongelap it was 13 per 1,000. Yet the AEC has consistently refused to accept a connection between any of these deaths and the effects of radiation. It is still too early to tell how much the bomb has shortened the life span of the victims.

All of the victims, even those without obvious illnesses, are forced to take many kinds of medications and many are abnormally susceptible to colds, flu and throat ailments. Most of them still tire easily and almost all worry about their health. As Ataji Balos recently told an audience in Tokyo, "Each person who has been exposed asks himself: 'Will I be well tomorrow? Will my children be normal?' And when he becomes ill he asks himself, 'Is this an ordinary illness, or has the ghost of the bomb come to claim me now—even years after?' "

The medical treatment the victims have received is grossly inadequate. There is no doctor on either Rongelap or Utirik, and Micronesians are not permitted to use the facilities of the army hospital on Kwajalein. There is a small hospital on Majuro, where some of the victims now live, but none of the staff is trained in radiation treatment. For any major problem, the victims must travel almost 1,500 miles to Guam, or even farther to Honolulu.

Once a year a team of Atomic Energy Commission doctors have examined them and collected data for AEC files. This is in contrast to Japan where victims receive four examinations a year and have medical treatment whenever necessary. The Rongelapese have never been given diagnoses of their illnesses. They are merely prescribed pills which are dispensed by a local medical practitioner, or sent to the United States for surgery. In the nineteen years since the disaster, only AEC doctors have been allowed to examine and treat the victims, although in December 1971 a team of doctors from the Japan Congress Against A- and H-Bombs attempted to examine them at the invitation of members of the Congress of Micronesia. The American Government threw them out before they could complete their work.

When the AEC team arrived in March 1972, for its annual visit, the Marshallese refused to submit to examinations unless independent doctors took part and unless they were guaranteed individual diagnoses. As a result,

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the team left without examining anyone, but returned in September with consultants from Japan, the U.S. Public Health Service and the World Health Organization. Each of the consultants is writing a critique of AEC procedures. In addition, under pressure from the Congress of Micronesia, an AEC physician will be stationed on Kwajalein next year and will make periodic visits to Rongelap and Utirik. But this does not come anywhere near solving the problem of twenty years of insensitive, inadequate treatment. The Marshallese fear for the future, especially now that leukemia has developed and now that bomb-induced illnesses are on the increase among second-generation victims in Hiroshima and Nagasaki.

It is a great irony that these people, who are among the most isolated in the world, should be the first to preview World War III. Although nuclear bombs are no longer tested in the Marshalls, their delivery systems are. ICBMs from Vandenburg Air Force Base in California are aimed at the Marshalls where, after a 5,000-mile flight across the Pacific, they are fired on by Spartan and Sprint missiles launched from Kwajalein. To make room for U.S. missile facilities, the people of Kwajalein were shunted to Ebeye, an overcrowded, vermin-infested island with the highest disease rate in Micronesia.

The people of Bikini and Eniwetok, the old bomb sites, have been in exile since the late 1940s. In both cases public announcements of the impending weapons tests were made in the United States weeks before the islanders themselves were told of their coming evictions. The Bikinians were given two weeks' notice that, in the Navy's words, they were like the children of Israel, to be "saved from their enemy and led into the Promised Land." They were gathered together after church and instructed to talk among themselves and take a vote on whether or not to leave their island. In the meantime, the Navy was preparing to blast channels and build test facilities, and cameramen were arriving to film the historic event. What would have happened if they had voted not to move? Seven years later they did just that when the U.S. Government sought to take away their legal title to Bikini forever. Some of the Bikinians were coerced into signing but soon renounced their agreement; the Navy then had a traditional chief of the Marshalls, whose power was no longer recognized, sign the island away for them.

They were removed first to an uninhabitable island where for two years they lived on a starvation diet. When it became clear that they were dying and that "native indolence" was not to blame, they were packed up again and after a couple of abortive moves finally settled on Kili, an almost inaccessible island in the southern Marshalls. The ecology was amazingly different from Bikini, where subsistence was based largely on fishing. On Kili, fishing was often impossible and people had to learn for themselves how to survive in an agriculturally based economy. As a result, they suffered periodic malnutrition for many years. At one point in 1948, the Bikinians were ready to be redisplaced to Ujelang, another inhospitable atoll, but at the last minute the Navy decided to move the Eniwetokese there instead, despite the fact that Bikinian workmen had already been building new homes for themselves on the island. In an extraordinary disregard for human rights, the Bikinians were repeatedly displaced with almost no notice and with no right to legal appeal, and twice they were left to starve.

In the recent past, with carefully timed political announcements, the Americans officially returned Bikini and Eniwetok to the people. Three of the islands in the Eniwetok atoll were vaporized by the first H-bomb; on the others it is still necessary to wear a radiation badge. A large portion of one island in Eniwetok is covered by a mantle of highly toxic beryllium, left behind by NASA experimenters. Neither Bikini nor Eniwetok has any palm trees left, or much other edible food; it will take at least eight to ten years for the islanders to become self-sufficient. Nevertheless, the people are eager to return home.

After the official announcement that Eniwetok was to be returned to its owners at the end of 1973, it became known that the Air Force planned a series of tremendously destructive "Pacific Atoll Cratering Experiments" designed to simulate the effect of an H-bomb explosion on land. The biggest of the twenty-one TNT tests would alone dig a crater 300 feet in diameter and 50 feet deep. An Air Force spokesman suggested that the craters would make ideal harbors for the Eniwetokese. Testing was stopped, however, in October by Federal District Court in Honolulu because the Air Force had begun preparation for the tests and conducted some of them without filing a proper Environmental Impact statement and without consulting the Eniwetokese. Two other classified activities, known only as "Colonel Russel's Project" and "Senior Girl" are under way on the island. The United States has refused to reveal how long these projects will take to complete.

The order restraining the Air Force from making tests on Eniwetok was the first occasion that a U.S. court accepted a case brought by Micronesian plaintiffs. Under U.S. administration, Micronesians have been pushed around with impunity, since they had no effective legal recourse against eminent domain proceedings, eviction, or against the construction of military bases. As much as 60 per cent of some islands is retained by the United States, most of it valuable agricultural land, now kept idle. Last July it became known that the military proposes to retain "rights" for continued use of parts of Bikini, despite its return to its owners. Although the Trusteeship Agreement charges the United States with the responsibility for "protecting the inhabitants against the loss of their lands and resources," the United States has blatantly evicted Micronesians and taken their land for pseudo-public purposes.

Micronesia is the only one of the eleven original post-war trust territories, set up under the United Nations, that has not been guaranteed its independence. Last summer the Congress of Micronesia voted to begin negotiating for independence, and a majority of the Congress expressed opposition to previous agreements reached with the United States which would perpetually subject Micronesia to U.S. strategic interests. As a result, the United States has called a halt to talks and has warned Micronesia that under no circumstances would it agree to termination of the trusteeship under conditions which would "in any way threaten stability in the area and which would in the

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opinion of the United States endanger international peace and security." U.S. policy has been to maintain "a lasting political partnership" with Micronesia, especially now that the United States not only proposes to retain many of its facilities in the Marshalls but also has plans to construct new military bases in the Marianas and Carolines, made necessary by the reversion of Okinawa to Japan and political instability in the Philippines.

This month, a four-man mission of the U.N. Trusteeship Council will be in Micronesia, to study how well the United States has guarded the interests of its wards. Such missions have visited Micronesia every three years, but now for the first time a Russian will be a member of the group, and the highest ranking Chinese at the U.N.—Tang Ming-chao, under-secretary general for trusteeships and decolonization affairs—may go along on his own.

Nuclear war has already begun for the Marshallese, and nothing can end the suffering of the people of Rongelap and Utirik, or bring back twenty-five years of exile to the people of Kwajalein, Bikini and Eniwetok. Independence will not overcome past suffering but it may prevent new victims. The Micronesians are finally demanding better treatment and feel strong enough to have now decided to negotiate for independence, but they have received little help from Americans who for the most part are unwilling to puncture the romantic bubble that makes them think of the islands as paradises where conflict and suffering are unknown. □

CORPORATE SOVEREIGNTY AND NATIONAL WELFARE

The business corporation is, of course, this country's most potent institution. From early modest beginnings, corporations have flourished, multiplied, spread across the land and overseas and become steadily more impressive in terms of accumulated holdings, production, sales and profits. Yet, as a social institution, the corporation has received nothing like the critical scrutiny it deserves. Now the "problem" has taken on new dimensions with the rise of multinational, transnational corporations and conglomerates. Without restraints and social controls, corporations are programmed, like a giant computer, to produce, accumulate and expand without limit. A subcommittee chaired by Sen. Frank Church is undertaking a study of the multinational corporation; it promises to be one of the most important inquiries of the new Congress.

In a recent speech in Chicago, Senator Church pointed out that foreign investments by American-owned corporations have outstripped the growth rate of international trade and overall world output. By the close of 1972, such corporations ended up with nearly $107 billion worth of direct foreign investment on their books and probably double that amount in world sales. The overseas production of these firms ranks in total magnitude next to the gross national product of the United States and the Soviet Union. "What, then," Senator Church asks, "is the role of the states, of traditional political authority, faced with an economic force which refuses to recognize constraints and frontiers?"

It is not merely that these corporations exert a powerful influence on the world's economy and present special problems to the host countries in which they operate and to the developing nations; they also present a basic problem for domestic economic policy. International political controls will come only slowly; in the meantime urgent issues need to be faced. For example, labor is naturally concerned about loss of jobs when for the period from 1959 through 1970, our unemployment rate averaged 2.4 times as high as the weighted average rate of six of our major trading partners: Japan, Britain, France, Sweden, West Germany and Italy. Eventually an integrated international business system will no doubt emerge; meanwhile "the global corporation" demands close scrutiny. The two articles that follow deal with closely related aspects of the problem which Senator Church's subcommittee will explore.

1. The Multinational Computer

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The world's political leaders face increasingly difficult problems of economic stabilization and control. There are all the usual difficulties associated with growth and cycles —inflation, unemployment, and adverse balances of trade or payments—but, in addition, a corporate structure that has emerged in the last few years transcends national boundaries and commands enough economic power to put it largely beyond national control. Political institutions have made only partial adjustments to the new situation, so national leaders resort to stratagems that divide rather than unify the nations. The result is that they and the public needs they serve are ever more subordinated to the impersonal rule of the international business system.

Strong tides of economic nationalism and protectionism are manifest in all parts of the world. In the United States, the New Economic Policy, devaluation, and the insistence on import quotas in key industries are parts of the picture.

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The enlargement of the Common Market in Europe and the struggle of Japan against further revaluation are other parts. Attempts by the Third World to reduce its dependence on the individual countries are still others. The Sino-Soviet split reveals that the Communist world has similar troubles.

The dangers in this upsurge of nationalism are not confined to potential economic and military conflicts among nations. It aggravates the internal struggles of class against class and undermines the basis of democratic control which alone can force a complex economic system to operate in the interests of all.

The advance of technology has concentrated military and industrial power in the hands of relatively small groups. Governments have greater means to put down any potential opposition. They may also, consciously or unconsciously, serve the interests of powerful special groups, at the expense of the consumers. Concentration of economic power has also changed relations among social groups. The development of the super corporation, gigantic and multinational, has created a new elite. The American Management Association's slogan, "Top management is no place for amateurs," bespeaks the training, the indoctrination and the authority of that elite. It dominates the mass media as an extension of its need to stimulate consumer demand for corporate products, and this, plus the discretionary application of campaign funds, enables it to assure the election of like-minded officials.

Those at the top of the pyramid often manipulate, even dictate to, the elected political officials who ostensibly have the power to control. Scholars who have studied the economic-political processes of control have shown how the regulated become the regulators. And the public, relying on the representatives it has put in office, may little recognize the greater control exercised by those working behind the scenes and capable of flooding the communications channels with their messages.

To the extent that bigness is essential for progress, the world needs large corporations. Modern production and distribution can be efficient only through investments that require massive aggregations of fixed capital. This fits the desires of corporate business, whose goal is to maximize the assets controlled. The key here is control, not ownership. This primary goal subsumes most of the other goals of business, such as profitability and sales expansion, which contribute to it. It has made the corporation the world's most magnificent device for capital accumulation.

There is a tendency to view this development solely as an outgrowth of technology, so that the implications of the growing concentration of economic power for the public well-being are overlooked. In this view, efficiency requires that all the interrelated operations of an industry should be merged under a single management. The Europeans have been encouraging mergers across national boundaries to make their industries more competitive with U.S. corporations operating there. Needs are similar in the Communist countries.

There are, of course, corporate mergers that do not contribute anything of real value. The economy does not need all the conglomerate structures that have been put together, and it does not need all the financial overlay that has piled up. The conglomerates that have been sprawling over the business scene do not necessarily increase efficiency, despite claims of superiority in management skills. They may or may not affect competition in industry, but competition between the corporate and the public sectors tends to be aggravated by the shifting of capital and other resources into the control of big business as merger follows merger. The unrestrained expansion of the financial sector—in gigantic banks, security dealers, insurance companies, real estate operators, savings and loan institutions and consumer finance agencies—also imposes competitive cost increases without corresponding increases in real welfare, and their drive is often for speculative gains at the public expense.

But even when these special cases are left out of account, the corporations are not trying primarily to serve public interests. They are pursuing their own objectives, often in ways that may penalize the society. There is thus a growing need to enforce corporation responsibility in areas that affect the rest of the economy. Among these, the following stand out:

(1) Price and wage policy, commonly termed "incomes policies." In this country, Phase III is now in effect after the freeze of August 1971 and a year of Phase II. If labor can gain all the increases it demands and business is free to pass them on by marking up its prices entirely according to its standards, there is no restraint on inflation.

(2) Pollution control. Laws have been passed, but efforts to enforce them are creating problems in some industries. The "polluter pays" standard is generally assumed to apply. However, if higher plant costs expand the rate base, and additional operating costs push up charges and prices, the burden is again shifted to the consumer.

(3) Workers' health and safety. The tough legislation enacted in 1970 is bringing about changes in business practices and labor relations in some industries. Most discussions have focused on the production sector, considering workers and management in combination. It is recognized that costs will be increased, but prices are ignored, so the public may be saddled with the bill.

It may be that the public must pay, one way or another, for improvements in the economy, but that leaves open the distributive question of who gets how much; the more the beneficiaries of price increases receive, the less there will be to improve the general welfare. No attempt to answer that question will be made here. The point simply is that in all such areas the right of management to make independent decisions comes up against the rights of those who are adversely affected and wish to challenge its decisions.

The development of the multinational corporations makes the struggle for public control much more difficult, since the multinationals have many opportunities to shift operations into nations where political regimes are favorable and decisions can be influenced. By locating, transferring, or shutting down operations, they may exert pressures on nations eager for competitive advantage. Here in the United States, the use of tax-free municipal bonds to attract industry is all too familiar. Also common is

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the situation where the threat to close a plant because it would cost too much to reduce pollution leads a community to oppose environmental standards.

In the international sphere, where monetary units are diverse and world markets are highly stratified, the possibilities of favoring one nation at the expense of another are multiplied. Bitter lessons have been learned by materials-supplying nations that could find no market, while neighboring sources were active. The need for the power of unified bargaining has produced organizations like OPEC (the Organization of Petroleum Exporting Countries). Commodity agreements for other products are strongly advocated, but any national regime must be concerned to avoid the disruptive effects of decisions made by offended large corporations. The developing countries are especially concerned about this situation. A number of them complained vehemently about it at the meeting of UNCTAD (the United Nations Conference on Trade and Development) last April. Most feel that the United States is blocking action that would help them.

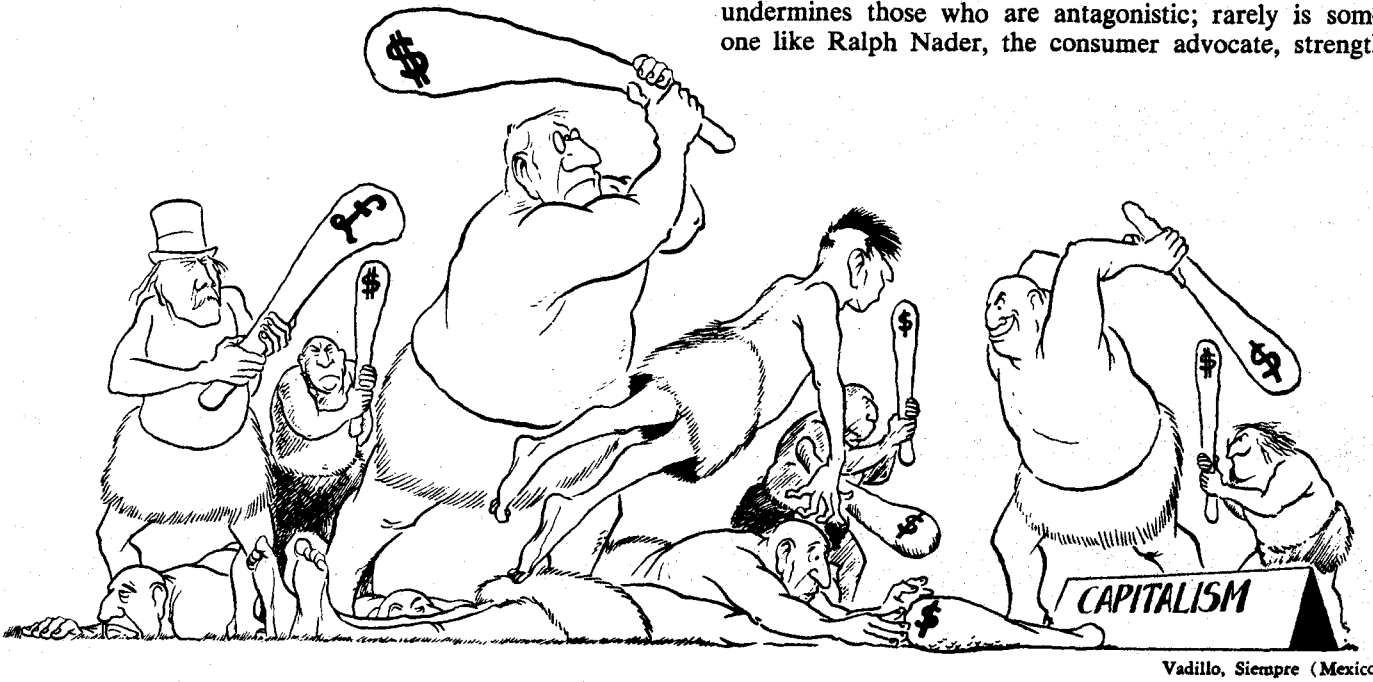
These countries generally need foreign capital and technology, but when they welcome a foreign subsidiary the results may not be what they hoped. The new factory creates a pocket of prosperity but competes to some extent with traditional activities and may create unemployment. Even if that is avoided, reforms may be prevented and obstacles put in the way of developing a domestic entrepreneurial class, without which further progress cannot be sustained. If the small country's determination to make corporate operations answerable to national needs is uncompromising, it may be confronted with world market conditions that further retard development. Then, being unable to meet the aspirations of its people, the regime loses popularity and may be turned out of office.

The seizing of productive facilities is the worst of sins to a corporate sector whose goal is accumulation, and even when compensation is paid it is likely to be called expropriation. Further, when a state takeover of facilities succeeds, it adds just one small area to the Socialist bloc. So the net curtailment of the private corporate sector is minor, and it may be strengthened elsewhere by the propaganda advantage thus acquired. The action taken can be described as disruptive and disadvantageous to the country's own people. This tends to widen the split among political units and to reinforce the nationalistic trend toward a fragmented world.

It may be pointed out that the record is not entirely consistent and that the faults do not always come from one side. Also, it must be recognized that business managers, being in competition for market shares, have a high regard for public opinion and seek the cooperation of governments and labor organizations. But when measures affect all corporations alike, management closes ranks and responds in a definite and automatic manner to oppose any undesired outcome. The enlightened businessman cannot substantially modify or effectively oppose the standards and methods of the corporate sector as a whole.

The issue is whether the world is to be governed by the goals and logic of big business, or the operations of the business system are to be directed and controlled in such a way as to give priority to the interests of the people. Some aspects of the situation may be clarified if the corporate sector is likened to a gigantic computer, worldwide in scope. It responds automatically, according to the programs that guide its operations. It is programmed to command the use of productive capital wherever it can gain control. As corollaries, it resists measures that would remove capital, including capital gains taxes on its elite, and it seeks to reduce cost by displacing workers with capital. It adjusts to changes that increase costs, provided the costs can be passed on in higher prices.

It is not programmed to seek political authority but it allies itself with authorities that give priority to property rights, promote profitability, and maintain law and order. The power game requires a system of rewards and penalties, so it supports public officials who are favorable and undermines those who are antagonistic; rarely is someone like Ralph Nader, the consumer advocate, strength-



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ened unintentionally. Its power to manipulate includes the conversion of basic economic issues into pawns of interlocking private interests and pervasive political interactions. It can change these modes of operation only if it is reprogrammed.

The difficulty here is that the machine does its own programming and has many outlying satellite hookups. It will not voluntarily change its standards and will not reprogram itself except when confronted by a superior force capable of shutting it down. If such a force threatens a satellite, that unit can be cut off, with loss of its services to all concerned, while the master unit continues to expand elsewhere.

That is all right with respect to the small country, one might say, but cannot be altogether true. When the largest part of a corporation's facilities and markets is in a large and powerful country, it cannot simply cut loose and hope to prosper abroad. True, at home the approach is different. There it must have allies, and if the political power structure is not friendly, changes will be attempted. Its influence through communications and money is potent, and its power to manipulate thinking in its favor extends through the channels of communication to the people themselves. The need for actively telling the story of business to the public is frequently stressed by corporate executives and public relations men. (See "The Airlines Take Us for a Ride," by John Twohey and James Rosapepe, *The Nation,* January 29.)

The domestic political struggle, however, is not the whole story for a country like the United States. The labor unions accuse the multinational corporations of exporting jobs, and they have some convincing evidence to support their case. The drive to exploit sources of cheap labor has carried across the border into Mexico and across the Pacific to Taiwan. For two decades the trends of commerce had been narrowing our trade balance. Then, in 1971, our merchandise trade balance swung to minus $2.7 billion, negative for the first time since 1888; in 1972, the import surplus more than doubled. This came about not merely from the inroads of foreign competitors. Our own big auto companies, for example, made a significant contribution to the success of the imports by shipping in cars from their European plants and using their dealer networks to sell cars produced by some foreign competitors.

An even bigger disservice to America's economic position abroad came via those other multinationals, the international banks. Just a score of big banks with branches abroad handle most of the international financial transactions for American citizens and corporations. They not only provide regular banking services but advise clients and arrange transfers of their funds in a manner sensitive to the conditions that are affecting exchange rates. In 1969-70 they got around the tight-money policy by borrowing heavily in the Eurodollar market, and drove interest rates up to profiteering peaks. In 1971, speculation against the dollar came to dominate, and the massive outflow of $30 billion broke down the key currency system and forced the devaluation of the dollar. No currency is safe, but no agreement on a new world monetary system is in near-term prospect. Similar conditions have developed in Europe with the organization of big banks and banking consortia across national boundaries.

Now the issue in the United States is taxes, especially those that were supposed to encourage exports. The deferral of taxes on earnings abroad until they are brought to this country is an open invitation to accumulate abroad indefinitely, and that is hardly at odds with prevailing corporate goals. Other tax provisions also provide incentives for expanding abroad. The Burke-Hartke bill, which would repeal these tax advantages, has the full support of the unions. The corporate sector, it hardly needs stating, is planning an all-out campaign to block its passage. The Burke-Hartke bill also has protectionist features to curtail trade, and these are not likely to advance economic welfare for the United States or the rest of the world.

The benefits and disadvantages of foreign investment are not necessarily unilateral. At one extreme, they may exploit the resources of the host country for the benefit of the home country, as some UNCTAD nations claim. At the other extreme, all the benefits may go to the host country through transfer of technology and know-how, training for host-country management, and reinvestment of earnings in the host country, as encouraged by our tax subsidies. Most cases probably fall somewhere between, but these differences create opportunities for distributing benefits or losses to gain concessions or privileges. In this fact, as well as in the other conditions already described, lies the possibility that any country, no matter how powerful, may be whipsawed—as the United States clearly was in the financial crisis of 1971.

Thus the problem is worldwide and cannot be solved by separate countries trying to reprogram on their own initiatives and for their own benefit. Unless international political organization can be developed to match the strength of international economic organization, nations will be unable to enforce social responsibility and achieve the balanced economic progress they desire.

Europe early recognized that problems might develop from the multinational trend. The French in particular were reluctant to condone the absentee ownership and control implied in the movement, despite its contributions to economic progress. Journalist Servan-Schreiber, author of *The American Challenge,* disagreed with his countrymen and suggested that they should accept the challenge and compete with foreign corporations by making their own operations efficient. More recently, he is reported to have expressed his recognition of the need for controls.

When a country like the United States encourages, assists and supports its corporations, insisting that what they do is the basis for universal progress, it defeats the efforts of other countries seeking to improve conditions and even invites retaliation. Then the political foundations of nationalism are strengthened in a way that is not constructive. At the UNCTAD meetings the U.S. representatives sat coldly silent and uncooperative. At the conferences on world monetary reform, our proposals suggest that the fault lies elsewhere and that other countries should take the steps that might improve our balance of payments. Our demands for trade concessions

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will continue to get a chilly reception. Our policies in Vietnam antagonize almost everybody. So we help to fracture a world that badly needs unification. Regional organizations like the European Common Market, if they seek advantages mainly for their own members, also may widen some of the breaks while trying to repair others within their own regions.

Only the recognition that the alternatives are international control or national subordination can make it possible to set up the working arrangements between nations that will guide the world economy toward common goals. These must embody at least two parts: the first is a set of agreements which would in effect represent a code of conduct regulating the concentrations of economic power which are no longer defined by geographical boundaries. In addition, some adjudicating organization must be empowered to settle disputes when individual corporations or nations are charged with violating the rules agreed upon. That any such framework of control can be agreed upon in the near future is doubtful.

The present trend is unfavorable and if prolonged it can end only in the disruption of economic relationships. Then the world's peoples will suffer unnecessary losses. Who suffers most will be determined largely by the multinationals. In time, the lessons may be learned, and the world's political leaders will turn to reforms for mutual benefit instead of pursuing competitive advantages.

Perhaps reform of the world's monetary system is a good place to begin, since the issues here are in some ways clearer. The primary goal is an international money that everybody can trust. Beyond that, for the major currencies at least, some constraint on the expansion of money supplies may be needed. But even more, there should be some check on the operations of the great corporations that are involved in the transfer of international hot money for speculative purposes; more detailed reporting of these transactions is certainly a minimum requirement. Allowing the multinationals to seek their own best interests, without regard to who must bear the burden, is to accept domination by the mechanical mind of the capital accumulators. □

2. The Case for Federal Charters

RALPH NADER and MARK GREEN
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Concern over corporate activities is rising. Economic concentration and monopolistic practices, environmental pollution, product safety, occupational health, advertising and deception, corporate secrecy, corporate crime, corporate responsibility—the list of inquiry is long. But while focusing on these behavorial effects, it is important also to consider the structural causes of corporate depredations. Where did the corporate form come from? From whom does the corporation get its legitimacy today? Who should bestow that legitimacy?

A corporation may "have no soul," as Edward Coke intoned in 1612, but legally it must have a body. In order to exist it must obtain a charter. A corporate charter is in effect an agreement whereby a government gives the corporate entity existence and that entity, in return, agrees to serve the public interest. Up to the late 1870s, states granted charters to corporations under carefully circumscribed conditions. For example, corporations could not own the stock or assets of other corporations, were granted existence only for a specified period of years, and could not do business or own property outside the state in which they were chartered. These limitations, according to a recent commentator, reflected a prevailing fear "that a corporation was only an artificial personality and therefore did not have a soul or conscience. Lacking a conscience, it had no morals and was *prima facie* dangerous." So long as corporations remained local, contained by the charter's restrictions, states still maintained the control they considered necessary for the public interest to be served.

But corporations did *not* stay local. What these restrictions aimed to avoid is precisely what occurred. In order to attract resident corporations, states made their incorporation laws increasingly permissive. The winner of the race for corporate citizens went to the state of least restriction, and the early victor was undoubtedly New Jersey. In 1866 it allowed its corporations to hold property and do business outside the state; by 1875 it had dispensed with its ceiling on the amount of authorized capital. During the 1880s, in a critical move, it allowed corporations to hold and dispose of the stock of other corporations. The result: between 1888 and 1904, 192 of the 345 American companies with capitalization in excess of $1 million took out New Jersey charters. New Jersey became the home of the infamous Standard Oil Trust, and holding companies declared illegal in other states simply transferred their property to corporations organized under the law of New Jersey.

But New Jersey's dominance was only temporary; Delaware was not to be denied. As an 1899 law review article notes:

> [The citizens of Delaware] had their cupidity excited by the spectacle of their northern neighbor, New Jersey, becoming rich and bloated through the granting of franchises to trusts which are to do business everywhere except in New Jersey. In other words, little Delaware . . . is determined to get her little tiny, sweet, round, baby hand into the grab-bag of sweet things before it is too late.

Delaware's business code of 1899, drafted by a financial

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reporter and three corporate lawyers, enacted most of New Jersey's liberal code and then some. In a version of Gresham's law, Delaware thus took over the lead in the incorporation game, an advantage it has not to this day relinquished.

In a sense Delaware succeeded too well, since imitative states began to take some of its business away. Although by 1960 one-third of the top 600 industrial corporations were headquartered in Delaware, the state decided to loosen its business code still more. A revision commission, formed in 1964, attempted, in its words, "To ascertain what other states have to attract corporations that we do not have." The basic redrafting was done by three private corporate lawyers working on Saturdays in their private offices. The full commission always assumed that the state legislature—which had to approve the new code—would be a rubber stamp. One member of the commission called the legislature "just a bunch of farmers." No hearings were held on the final statute, and it passed the Delaware legislature unanimously on July 3, 1967.

The new code contained many liberalizations for corporate managers: only directors, not shareholders, could propose amendments to the charter; annual meetings need not be held; officers and directors could be indemnified for court costs and the settlement of criminal and civil cases without shareholder approval. These "reforms" achieved their purpose. Delaware had been chartering corporations at the rate of 300 a month before the new code's enactment; the figure jumped to 800 registrations a month directly afterward. Today, 73,000 corporations have their birth certificates on file in Dover, Del., a number including one-third of all the companies on the New York Stock Exchange and fifty of the top 100 industrial corporations.

"The sovereign state of Delaware is in the business of selling its corporation law. . . ." said the *Pennsylvania Law Review* recently. "In fact, those who buy the product are not only consulted about their preferences, but are also allowed to design the product and even the factory."

The idea that the federal government should charter corporations is quite old. During the Constitutional Convention in 1787, James Madison twice proposed, unsuccessfully, that the Constitution expressly empower Congress to do so. By 1791 the nation was debating whether to incorporate a U.S. bank. Jefferson argued that such a bank would overawe the states and permit vast consolidations of economic power to dominate our economic life. Jefferson won this battle, but lost the war, since great economic consolidations *did* come to dominate our economy, though via state and not federal incorporation.

In the 1880s citizen protest built up against the economic and political power of the huge trusts. Some called for a form of federal licensing of corporations in order to control their excesses. Instead, by passing the 1890 Sherman Antitrust Act, Congress relied on competition rather than regulation. Disillusionment soon set in, as courts handed down a series of restrictive rulings that robbed the Sherman Act of its potential strength. William Jennings Bryan in 1899 went on record as favoring a federal license whenever a corporation wanted to conduct interstate business. Between 1903 and 1914, Presidents Roosevelt, Taft and Wilson all voiced support for a federal incorporation or licensing scheme in their annual messages to Congress. The idea was endorsed by the 1904 Democratic and Republican platforms and the 1912 Democratic platform. Twenty different bills were introduced in Congress between 1903 and 1914.

Despite this array of approval, the Clayton and Federal Trade Commission Acts of 1914 became law instead of federal chartering, support for the latter never having coalesced at any one time. Taft had changed his mind about it by 1912, and the Senate Interstate Commerce Committee, after holding hearings on federal incorporation in 1913, concluded in the final committee report that it was "neither necessary nor desirable at this time."

The depression brought new demands for overhauling the industrial sector. In certain respects, Franklin Roosevelt saw his National Recovery Act (NRA) as a form of federalizing corporations, since it provided "a rigorous licensing power in order to meet rare cases of non-cooperation and abuse." There was brief talk during this time of going further, of replacing the NRA codes by the federal chartering of large companies and trade associations. But the Securities Acts of 1933 and 1934—requiring full and accurate disclosure of material facts in a public offering and regulating the practices of the national exchanges—and New Deal regulatory schemes satisfied many who had looked to the federal government to reform corporations.

Nevertheless, the most sustained drive to date for federal licensing occurred in the late 1930s. Sen. Joseph O'Mahoney, a Populist from Wyoming, energetically and repeatedly promoted the idea of "National Charters for National Business." By emphasizing that "a corporation had no rights; it has only privileges," he sought to return to the days when charters policed, as well as permitted. He chaired the famous Temporary National Economic Committee hearings (TNEC) of the late 1930s, reiterating throughout his belief in federal licensing. But the war checked any momentum Mahoney had generated.

Thus, at nearly every point in our history when federal chartering was considered, an alternate remedy was prescribed. During all these periods, federal chartering was prominent, topical and finally ignored. Clearly, it is an idea whose time has come—and come and come. Our present spectacle of corporate power abused makes it topical again.

The federal chartering of giant corporations is necessary because state incorporation has failed. Even if state business codes and authorities did not so overwhelmingly reflect management power interests, they are no match for the resources of the great corporations. (General Motors, with ninety times Delaware's general revenues, could buy Delaware—if DuPont were willing to sell it.) "The century and a half of state failure," one observer has written, "has been the story of a battle between corporate giants and legal pygmies." To control national power requires, at the least, national authority.

At a time when the federal government becomes increasingly prominent in salvaging our unstable economy, it is an anachronism for the states to create corporations which operate in national and international markets. Quite

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Noonan

simply, state borders are not relevant boundaries for corporate commerce, and state incorporation makes as much sense as state currencies or state units of measurements. In other federal systems—German, Mexican, Brazilian—firms that do business between the states or provinces must be formed under federal law.

There are procedural benefits to a system of federal chartering. At present, a charter is an IOU which the corporation signs and then files and forgets. States do not review the firms they have created for violation of their birthright, nor do they impose sanctions for charter violations. In Indiana, AT&T, Penn Central and De Paul University all recently lost their corporate licenses to do intrastate business because they had failed to file annual reports. But no hearings were held and no fines assessed. Until the firms filed their forms, it was business as usual, although they had legally ceased to exist in Indiana. It is quixotic to expect state boards to have either the resources or the will to impose adequate sanctions. A federal chartering authority would be far more likely to do so or would be more accessible to citizens demanding that it do so.

A federal chartering agency could help to equalize the differences of burdens and benefits now experienced by corporations because of differences in state provisions. Incorporation fees, regulatory laws, charter stipulations —powerful corporations can threaten to run away to a different state if these items are not to their satisfaction. And it is easy to see why Textron in Rhode Island or DuPont in Delaware could make its host state anxious. A single federal authority could end this corporate pitting of one state against another.

One can anticipate some of the criticisms to this scheme. Should the government manipulate the rights of private property? Not even the venerable "freedom of contract" is absolute, as the legal qualifiers of duress, coercion and unconscionability, and minimum wage, maximum hour and equal employment legislation have long made clear. It must be realized that private property is not a gift of the gods but a bundle of rights created by our government; it hardly seems valid to condemn the government for legally rearranging this bundle of rights when it created them in the first place. "[T]he corporation, insofar as it is a legal entity, is a creation of the state," the Supreme Court has said. "It is presumed to be incorporated for the benefit of the public. . . . Its rights to act as a corporation are only preserved to it as long as it obeys the laws of its creation."

Would federal chartering merely increase the power of big government; would it be socialistic? Since the guiding purpose of federal chartering is to encourage corporate democracy and competition, it is the precise opposite of a centralized planned economy. To the extent that it attempts to make private firms more accountable to their shareholders and more responsive to competitors, it is a radically conservative idea. Right now we *do* have a type of corporate socialism, in which cooperating monopolies have freed themselves from the constraints of the competitive market and much law enforcement.

The bureaucracy created would be as trim and nondiscretionary as possible. The top 1,000 firms or so—measured by a combination of sales, asset size, market percentage and number of employees—would be chartered, not the hundreds of thousands of small concerns which account for a small fraction of interstate trade; *intra*-state firms would not be affected. Manpower would thus be marshaled to confront the real problem area. The kind of charter provisions to be enforced would also be as objective as possible. Does the firm's percentage of the market exceed permissible limits or doesn't it; has the corporation provided profits and cost data per plant and division or has it not; did management triple its bonus without notifying the shareholders? There is no such thing as government without any discretion; if there were, we would have computers as Cabinet officials. Yet, excessive discretion must be avoided or else the corporate regulatees would successfully shape their supposed regulators—the situation which now obtains.

What if, because of a federal chartering law, many American firms simply left to incorporate in Bermuda or France? What if they treated us as they treat Canada: a place to do business but not to owe allegiance? Or could companies have no country at all? Carl A. Gerstacker, chairman of the Dow Chemical Company, told a White House conference in February 1972, that he looked forward to the day of the "anational corporation," one without any national ties which could, therefore, operate freely and flexibly around the world. Gerstacker revealed that Dow had for a decade been studying the possibility of locating on an island in the Caribbean. Any of these business runaways could claim that restrictions imposed on them were not required by, say, France, and would create legal conflicts with their charters there. To that, there is only one effective reply: the corporation and foreign government in question either complies with the conditions of the federal chartering law or it cannot trade here. Since the American market is such a large percentage of the world market, we would have the leverage, if we had the will, to make this demand of expatriate firms and foreign authorities.

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Assuming that the state incorporation laws are the problem and that existing antitrust mechanisms, regulatory agencies and securities laws are inadequately checking corporate power, a federal chartering law seems the most plausible mechanism for achieving corporate accountability. What is needed is a new agency—call it the Federal Corporations Agency—to issue federal charters for firms engaged in interstate business. What is needed is not a Corporate Bill of Rights but a Corporate Bill of Obligations. Herewith a sketch of possible provisions:

(1) Corporate democracy would reduce the dominance of the oligarchies commandeering most corporations. The potential areas of coverage are all those which, unchallenged, have permitted management to rule without regard to the wishes of its electorate. Such areas include: corporate loans to officers and directors and other "interested" dealings; access to corporate records and easier use of the proxy machinery; cumulative voting, indemnification and compensation schemes; shareholder rights to amend the bylaws and charter; shareholder rights to nominate candidates for directors and the creation of public interest and community directors.

(2) Strict *antitrust* standards must be a condition of the charter. No corporation (unless it clearly proved itself a "natural oligopoly") would be permitted to retain more than 12 per cent of an oligopolistic industry (a percentage recommended by President Johnson's antitrust task force). Large conglomerates should be permitted to acquire only toe-hold positions in concentrated industries and should be made to spin off assets equal in value to any they acquire.

(3) Corporate disclosure must replace secrecy. What are the earnings of hidden subsidiaries and consolidated divisions; who are the real beneficial owners of the corporations; what is the racial composition of employees and new staff; what product and safety testing has been conducted; what plans exist to meet pollution standards? Since the public is so intimately affected, answers to all these must be made public. Shareholders, investors and government officials need adequate information to act intelligently. If done extensively enough, a corporate information center could be developed, with data by firm, plant and product available on computer tapes to respond to significant topical questions.

(4) The corporate charter should *"constitutionalize"* the corporation, in Prof. Arthur S. Miller's phrase, applying constitutional obligations to this private aggregation of power. The logic for this proposal underpins federal chartering: corporations are effectively like states or private governments, with vast economic, political and social impact. A democratic society, even if it encourages such groups for private economic purposes, should not endure such public power without public accountability. Our large corporations represent just the kind of concentrated power which the Constitution and its succeeding amendments aimed to diffuse. If the Constitutional Convention were held today, it would surely encompass *America, Inc.* It makes no public sense to apply the Constitution to Wyoming and West Tisbury (Mass.), but not to General Motors and Standard Oil (N.J.).

Unions, too, are private groups which have been legislated public power, *but* on condition that they behave democratically, with safeguards of due process (that they sometimes violate such safeguards is a problem of implementation, not construction). The same principle holds true for private corporations legislated public power. When a huge corporation deals with its employees, shareholders and outlets, "state action" principles require that it do so fairly. For example, the First Amendment right to free speech means that an employee can publish material critical of the firm in a magazine or underground corporate newspaper; Fourteenth Amendment safeguards mean that if he refuses to perform an illegal task or if he blows the whistle on a corporate crime, he cannot be fired without a due process hearing, complete with charges and evidence; the Fourth Amendment would forbid the firm from searching his private belongings in the shop without a warrant. It is inadequate to depend merely on unions to guarantee these rights; they have enrolled less than a quarter of all employees; the other 75 per cent deserve these protections.

Hovering over all these provisions would be graduated penalties for violation of the charter. Depending on the nature and frequency of the violations, penalties could run from small absolute fines to fines as a percentage of sales; from management reorganization to executive suspensions; from public trusteeship to the dissolution of the charter. A scale of sanctions must be developed to guarantee compliance with the charter.

In formulating a Federal Corporations Agency (FCA), care must be taken that it does not become as unresponsive and inefficient as some of the present regulatory and enforcement agencies. Lessons should be learned from the past; at the same time, it would be defeatist and irresponsible to urge no more federal reform measures because some have failed. Many corporations go bankrupt, yet the corporation is still a viable legal structure for the production and sale of goods and services.

It is important to stress once more the objective nature of the FCA's standards. It would not involve itself in the imbroglios of rate determinations which naturally invite industry lobbying and a dependence on self-serving corporate data. However, the FCA should contain liberal provisions for shareholder and citizen suits—as now institutionalized in the Michigan pollution law—so that agency lethargy or inefficiency could be checked by interested citizens equipped with adequate tools. More liberal rights of intervention into government processes could similarly permit public interest lawyers to monitor any misfeasance or nonfeasance. Mechanisms will have to be provided to help insure that a "commissioner" of the FCA be vigorous, nonpartisan and independent. Furthermore, whatever the chances that an FCA could still become as inefficient as an ICC, it would have a great distance to drop before it became as supine and irrelevant as the present state chartering bodies.

While Delaware cannot dictate terms to G.M., an FCA could, but it is not inevitable that it would. Thus, a new federal agency is a necessary but not a sufficient remedy. If it is badly organized with weak powers and no citizen access and participation, it will be ineffective. The form is crucial, and so are the powers. But most crucial of all is the effort—one required by the current state of corporate unaccountability. □

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TRIAL OF THE CENTURY?

THE REPULSIVE CHICAGO DRAMA

JON R. WALTZ
Mr. Waltz is a professor of law at Northwestern University School of Law in Chicago. His specialty is the law governing the conduct of trials.

Although I think that I for one shall never forget it, The Great Chicago Riot Conspiracy Trial—sometimes called, after the fashion of its day, The Trial of the Chicago 7 (or 8, unless one holds to the theory that Bobby G. Seale became a non-person on the day that Julius J. Hoffman had him tied to his chair and gagged)—has now disappeared in one final, malodorous puff of smoke. The convictions that came of it have all been reversed by the U.S. Court of Appeals for the Seventh Circuit and the Justice Department has announced, millions of tax dollars after the case was commenced, that it would be too costly to retry the defendants.

The majority opinion on appeal in the case of *United States of America* v. *David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman and Jerry C. Rubin* (how many can recall the names of John Froines and Lee Weiner, the two defendants who were acquitted on all counts and thus did not appeal?) was written by Judge Thomas E. Fairchild, and that is an interesting and vaguely ironic fact in itself. Fairchild is a soft-spoken, modest, intellectual man who back in the 1950s had the moral gumption to wage a brave but losing Senatorial campaign against the late Joseph R. McCarthy.

Fairchild's 108-page opinion, in which Judge Walter J. Cummings joined, treated ten basic issues that were raised by the appellants in their exhaustive brief. (The appellants' brief, a fat paste-and-scissors job, was a powerful one, if only because there was so much favorable law to go into it. The U.S. Attorney's office, which had much the more difficult side of the matter, put together a thoroughly respectable brief: it was at once as strong and as fair as it could be, which pretty much typifies the approach thus far taken by James H. Thompson, the Republican U.S. Attorney who inherited the appeal from Thomas Foran, and a staff that includes bright, decent, nonpolitical young assistants like Jeffrey Cole and Gary L. Starkman.)

The ten fundamental issues were these: (*1*) Is the 1968 Anti-Riot Act (the so-called "Rap Brown Amendment" that had perversely been attached to the 1968 Civil Rights Act) constitutional? (It is.) (*2*) Was the indictment adequate? (It was.) (*3*) Were the grand jurors who indicted the defendants properly selected? (They were.) (*4*) Were the jurors who convicted the appellants properly examined by Judge Hoffman prior to their selection? (They were not.) (*5*) Did Judge Hoffman improperly communicate with the jurors during their deliberations? (He did.) (*6*) Was evidence of the defendants' intentions in traveling to Chicago in August of 1968 erroneously excluded by Judge Hoffman? (It was.) (*7*) Did Judge Hoffman err in refusing to let the defendants' witnesses testify about proper methods of crowd and riot control? (He did.) (*8*) Did Judge Hoffman's demeanor during the trial prejudice the defendants? (It did.) (*9*) Did Judge Hoffman unlawfully deprive the defendants of a hearing to determine whether illegal electronic surveillance activities tainted the government's case? (He did.) (*10*) Assuming the validity of the Anti-Riot Act, was the government's evidence sufficient to support convictions? (It was.)

The reviewing court also addressed itself to several issues that could be expected to assume significance if the Justice Department elected to retry the defendants. (*a*) Was the government's reliance on the testimony of undercover agents unconstitutional? (It was not.) (*b*) Did Judge Hoffman have the authority to prevent the accused from making their own closing arguments to the jury? (He did.) (*c*) Should jurors be told that they are not bound by the trial judge's explanation of the law governing the case? (They should not.) (*d*) Did Judge Hoffman act improperly in excluding the testimony of former Atty. Gen. Ramsey Clark? (He did.)

(*1*) While conceding with commendable candor that "the case is close," Judges Fairchild and Cummings concluded that the Anti-Riot Act which, basically, makes it a crime to engage in interstate travel with the intent to incite a riot, was constitutional. It passed constitutional muster because "the expressive conduct [outlawed by the statute] is so related to action that the expression is therefore carved away from the protection of the first amendment."

The vexing nature of the constitutional question was heavily underscored by the circumstance that the third member of the panel, Judge Wilbur Pell, dissented from the majority's view. He said, "I entertain no doubts but that the statute . . . is . . . unconstitutional [on its face] in that it is clearly violative of the First Amendment right of freedom of speech." Wilbur Pell is an Indiana conservative appointed to the Court of Appeals by Richard Nixon.

The defendants are trying to get the U.S. Supreme Court to review the constitutional issue so sharply raised by their prosecution. They will not succeed. The Court will decline, as it has in the past, to grant *certiorari*, believing, perhaps, that the recent wave of political prosecutions has crested. Thus the case of the Chicago 7 will make no new constitutional law.

(*2*) The appellants claimed that the indictment under which they were tried was almost as incomprehensible as the statute on which it was drawn. Maybe so, said the Court of Appeals, but it was probably specific enough. Anyway, their first trial had alerted the accused to any claims the government might press at a retrial. And so the case of the Chicago 7 made no new law about criminal indictments.

(*3*) The defendants complained of the use of voter lists as the source for the names of their grand jurors. They insisted that this expedient resulted in the disproportionate exclusion of blacks, youth, the mobile and the

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Picha, The Special (Belgium)

politically alienated because these classes are most likely to be disenfranchised. The Court disagreed. Voter lists, it said, "contain a large if not precisely perfect sample of the qualified residents of an area." Furthermore, "Feasibility makes reliance on voter lists attractive." So no new law on the make-up of grand juries.

(*4*) The seven argued that Judge Julius J. Hoffman's examination of prospective trial jurors was so perfunctory as to be worthless, primarily because of his failure to probe the possible effect on them of pretrial publicity. (The trial judge's conduct of the so-called *voir dire* was so defective that I, an astonished witness to it, remarked privately at its conclusion that the case was reversed before it began.) The Court of Appeals held that Judge Hoffman's unwillingness to explore the biases of the jurors violated concepts of minimal due process. But the books are already brimming with cases holding that judges are supposed to accord due process of law to litigants.

(*5*) Several months after the verdict the seven discovered, quite by accident, that Judge Hoffman had made undisclosed communications to the jurors, adjuring them to continue deliberating even though they appeared to be deadlocked. The Court announced that "Counsel has a right as a general proposition to assume that any communication to the jury, bearing on the case, will take place in open court." That's what knowledgeable trial lawyers had always assumed.

(*6*) In this case, at the heart of which lay the defendants' intent in coming to Chicago, the trial judge excluded statements made by the defendants which illuminated that intent. He said they were "self-serving," as though that somehow settled the matter. The Court of Appeals cited Wigmore, the master authority on the law of evidence, in holding that the rule espoused by Judge Hoffman "no longer makes sense": "the singular fallacy is committed," said Dean Wigmore, "of taking the possible trickery of guilty persons as a ground for excluding evidence in favor of a person not yet proved guilty; in other words the fundamental idea of the Presumption of Innocence is repudiated."

So the opinion in the Chicago 7 case does reconfirm the notion that trial judges should not repudiate the presumption of innocence. But that idea had not been thought in need of reconfirmation prior to this sorry litigation.

(*7*) Evidence tending to show that measures adopted by the Chicago Police Department, and not the speeches of the accused, had caused the convention week riots, would have negated a crucial element of the prosecution's proof. The accused called to the stand four witnesses on crowd-control techniques. The trial judge refused even to permit them to be qualified as experts on the subject. In an exercise in understatement, the Court of Appeals suggested that there is a "presumption that informed opinion will be admitted." In refusing to let the defendants introduce "informed opinion," Judge Hoffman had abused judicial discretion.

(*8*) In "The Conspiracy Trial: 'This Worn-Out Piece of Tyranny' " [*The Nation*, May 10, 1971], published soon after the trial ended, I catalogued some of the questions it posed. One of them: "Did the trial judge's obvious distaste for the defendants and their lawyers result in an unfair trial?" The Court of Appeals answered that inquiry by saying, "There are high standards for the conduct of judges and prosecutors, and impropriety by persons before the court does not give license to depart from those standards." The reviewing court, citing a string of examples, said, "The district judge's deprecatory and often antagonistic attitude toward the defense is evident from the record from the very beginning . . . [and] must have telegraphed to the jury the judge's contempt for the defense." The Court held that "the demeanor of the judge [and of the prosecutors] would require reversal if other errors did not."

But how many published opinions should we require to implant firmly enough the concept that judges are not prosecutors and prosecutors are not judges?

(*9*) The appellate court held that Judge Hoffman was wrong in his reluctance to accord the accused a fair hearing on the question of electronic surveillance by the government. The holding reiterates what the Supreme Court said in the 1972 case of *United States* v. *United States District Court*; it makes no new law.

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(*10*) Lastly, the Court of Appeals took up the purely evidentiary question, legally significant only to the appellants, of whether any of the accused was entitled to an immediate judgment of acquittal. It decided that the evidence of record was minimally adequate to support convictions if the Justice Department were to move for retrials.

On the chance that retrials might be ordered (I use the plural because the defendants, having been acquitted by the jury of conspiring together, would now have to be retried separately), the appellate court commented on four other issues that might crop up.

(*a*) The appellants wanted the testimony of the government's parade of undercover agents suppressed. There was ample authority, however, for the court's rejection of this request. The Supreme Court a decade earlier had made the observation that being overheard is one of the risks of talking.

(*b*) Although represented by counsel, the seven had wanted to make their own jury arguments. Judge Hoffman denied this request and the Court of Appeals concluded that this ruling was within his discretion.

(*c*) The accused had wanted the jury instructed that they were not obligated to accept the trial judge's explanation of the law controlling the case; in other words, they wanted the jurors told that they were free to disregard the Anti-Riot Act if they disagreed with its purposes. Needless to say, Judge Hoffman, always jealous of his prerogatives, denied this request out of hand. The correctness of his action could not be doubted. The Supreme Court, as the Court of Appeals noted, had held in 1895 that it is the duty of jurors to apply the law as it is declared by the trial judge.

(*d*) At trial the defendants had subpoenaed former Atty. Gen. Ramsey Clark. Government counsel and, apparently, Judge Hoffman automatically assumed that defense counsel were showboating. At the prosecution's request the trial judge conducted an examination of Mr. Clark outside the jury's hearing and then ruled that the defendants had failed "to demonstrate that the witness could make a relevant or material contribution."

Judge Fairchild, again understating, remarked that "The procedure followed is indeed unusual." It was also improper.

What then is the importance of this bizarre case—a case that led the expectant trial judge prior to its commencement to inquire of a newspaperman, "Do you think this is the trial of the century?"; a case that took months to try, that ran up 22,000 pages of transcript, that saw defendants and lawyers alike cited for contempt of court and sentenced to prison, that drew daily news media coverage across the world, that has evoked half a dozen books and a thousand editorials?

On a legalistic level the case is of no significance whatever. It made no new law, it overturned no old law, it reconfirmed no law that was not already carved deeply into tablets. The judges of the Court of Appeals were brave but they were also indisputably right.

The case of the Chicago 7 was not even good theatre, either serious or absurd, although it was fitfully dramatic because almost everyone involved in it wanted it to be dramatic and understood how to make it so. Its drama was repulsive.

There is only one large lesson to be drawn from this scandalously wasteful litigation. It is that we have in this country a way of first misapprehending the importance of small events and then transforming them, at great expense, into mountainous nonevents. Even a few years' reflection more than suggests that what was done in the streets and parks of Chicago during the 1968 Democratic National Convention was not, in the scheme of things, terrifically important—although it may have been more important than what was done that year in the International Amphitheatre. Some of our pastel-painted park benches got burned up, some speeches were made and dutifully televised, and a lot of young people were thrilled by the feeling that they were doing something dangerous until they learned, from the Chicago police, that they were doing something dangerous.

And then, instead of permitting those same young people to consign the likes of Jerry Rubin and Abbie Hoffman to earned oblivion, we created out of almost nothing an elaborate and distasteful ritual. What a shame. □

LETTERS *(Continued from page 162)*

irrelevant to her being or not being a "moderate," or, as your author puts it, "slightly more moderate."

Dick (*not* Richard) Taverne has *not* "left the party and formed his own Democratic Labour Party." He resigned his seat as Labour M.P. for Lincoln after the Lincoln Constituency Labour Party had maneuvered a vote of censure against him because of his support for British membership in the EEC. His resignation took place only after the national executive committee of the party refused to consider his appeal against the Lincoln CLP decision, in order that he might take the issue to the Lincoln electorate in a by-election. Since an official Labour Party candidate would also be contesting the by-election, he was obliged to adopt a distinctive party label for the purposes of his campaign.

Elaine Windrich

Albany, N.Y.

DEAR SIRS: Dr. Windrich's argument is against the apportionment of votes at the Labour Party's annual conference (the equivalent of American party conventions) and not with how the conference (or, in American usage, convention) voted. In view of the overwhelming vote at the Blackpool meeting, I suggest Dr. Windrich places too much emphasis on the apportionment of votes.

As for the *New Statesman*, I suggest she might read the articles for October and November regarding the Labour Party's Blackpool meeting.

Mrs. Shirley Williams is her name. A typing error caused the mistake. . . . I had several meetings with her, and I see no reason to change my views.

I am delighted to find Dr. Windrich filling in the details of Mr. Taverne's action. But my friends at Transport House all agree that he has left the party—at the local constituency party's request.

Bernard K. Johnpoll

correction

New Brunswick, N.J.

DEAR SIRS: In my article, "The Operators Make Their Play" [*The Nation*, Jan. 15], I implied a relationship by marriage between a distinguished sociologist, Daniel Bell, and the distinguished literary critic, Pearl Bell. This is not the case, and I offer sincere apologies to both of these people.

Irving Louis Horowitz

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BOOKS & THE ARTS

Recent American Fiction

GEORGE MAYBERRY and SHARON MAYBERRY

Mr. Mayberry teaches at Point Park College. Ms. Mayberry, his daughter, has studied at Harpur College, the University of Wisconsin, Haight-Ashbury, Cuba and the East Village. She will receive her B.A. in humanities in April from Goddard College.

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> He was a writer of tales, he said—anyhow a *former* writer of tales, he said—in a land on the other side of the world. At one time, we gathered, people in his country had been fond of reading; currently however, the only readers of artful fiction were critics, other writers, and unwilling students who, left to themselves, preferred music and pictures to words.
>
> —John Barth, *Chimera*

In the fall of 1965, *Book Week* published the results of a survey of 200 prominent authors, critics and editors who had been asked to list the ten most outstanding works of fiction written between 1945 and 1965 and to select those authors who wrote fiction the "most artful, most truthful, most memorable and most likely to survive as monuments to those restless twenty years." Two lists resulted from the survey: the twenty "Best Books" and the twenty-nine authors most frequently cited. The first list was led by Ralph Ellison's *Invisible Man*, Nabokov's *Lolita* and J. D. Salinger's *The Catcher in the Rye*. The second list was topped by Saul Bellow who had four titles on the first list (*Herzog, Seize the Day, The Adventures of Augie March* and *Henderson the Rain King*); Nabokov who had two (*Pale Fire* in addition to *Lolita*); and Faulkner who, like several other writers on the second list (John Updike, John Cheever, Eudora Welty, John Hawkes and Katherine Anne Porter for example), had no single book the survey felt worthy of the twenty "best." Parenthetically, all of the twenty titles are still in print, unlike most of the fiction published between 1945 and 1965.

The 1965 *Book Week* survey is a useful starting point for this necessarily selective assessment of recent American fiction—where it is and where it may be going. To extend an observation of William H. Gass, "It seems a country-headed thing to say: that literature is language," and language is created by men and women. Regrettably, several of the authors on these lists are no longer living: Faulkner, Hemingway, Flannery O'Connor and John O'Hara among those most frequently cited (and the posthumous fiction of Hemingway and O'Hara adds nothing to their canon). Even more regrettable, in a sense, has been the long fictional silence of Ellison, Salinger, Porter and Joseph Heller. On the other hand, a number of the writers on the 1965 lists are alive and still secure in the high positions the survey then confirmed.

Saul Bellow, for example, has published one novel, *Mr. Sammler's Planet* (1969), which, if not his best, adds a new dimension to his work in that the protagonist is neither a slob nor even slightly insane; and two excellent short stories, "The Old System" (1967), another brilliant variation on how hard it is to be a Jew in America, which foreshadows *Mr. Sammler's Planet*, and "Mosby's Memoirs" (1968) which, like Malcolm Lowry's *Under the Volcano*, portrays the difficulties of an over-the-hill WASP in Mexico.

Nabokov carries on his love affair with the American language in *Ada* (1969) and *Transparent Things* (1972). The first is probably the only modern sci-fi book with high literary distinction, but overly long and overly cute. *Transparent Things* is very short—one of the important tendencies in recent fiction—less a novella, perhaps, than the outline of what might have been a book even longer than *Ada*. Also, it shares a characteristic (which we will expand on later) of many modern novels in that what used to be called the "point of view" constantly shifts. The ultimate author, of course, is Nabokov but, as one reviewer has suggested, possibly the protagonist is often the true narrator.

Malamud has added to and brought together his Fidelman stories and, more important, published two new novels, *The Fixer* (1967) and *The Tenants* (1971). Both exhibit another main tendency in contemporary fiction, the use of the "concrete metaphor." The first novel is, apparently, the retelling of an incident in prerevolutionary Russia which parallels a historical case but which is certainly a metaphor for the endurance and eventual prevalence of man in the world of Faulkner's Nobel Prize speech. *The Tenants* deals with a closely observed "real" pair of authors—one Jewish and one black—who destroy each other after the white man has destroyed the black's typewriter. Malamud's extreme metaphor for the racial crisis in America is as obvious as it is horrible, and not mitigated although the final page consists simply of the word "mercy" eighty-four times.

Mailer (to whom we shall return in other connections) has written only one straight (?) novel, *Why Are We in Vietnam?* (1967), a metaphor explaining the title. It, too, represents the current ambiguity of authorship by suggesting on the last page that the narrator might not be the gratuitously foul-mouthed Dallas disc jockey, but a "black-ass cripple spade . . . sending from Harlem." But the issue of authorship needn't bother pedants who worry about by whose authority the tale is told: the entire book is Mailer.

Updike's popularity with the general reader and most critics has been more or less sustained with *Couples* (1968), *Bech: A Book* (1970) and *Rabbit Redux* (1971). Styron, the least productive of our major writers, published one excellent but controversial historical novel, *The Confessions of Nat Turner* (1967) —controversial mainly to a group of black writers whose charges included that he had invaded their turf.

The three remaining authors on one or both of the *Book Week* lists who have published consistently and whose reputations have risen considerably are John Hawkes, John Barth and Philip Roth. Hawkes's best book is *Second Skin* (1964) which, like most of his books and many others of the period, is a realistic transcript of some very special aspects of recognizable American life, with a mythic framework predominantly from the classic Greek. In spite of the overwhelming praise heaped upon it, *The Blood Oranges* (1971), whose author describes it as a study in "sexual multiplicity" (cf. *Couples*, etc.), lacks the concrete basis of *Second Skin* so that its archetypes remain just archetypes and the novel might well have been entitled *The Bloodless People*.

Barth opened the period of our chief concern with *Giles Goat-Boy* (1966), a long extravaganza with a weird multi-university as a metaphor for the modern

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condition. John Gardner insists "the reality of . . . *Giles Goat-Boy* is the words of the novel, nothing else," but his formulation applies more to many of the pieces that make up *Lost in the Funhouse* (1968) and *Chimera* (1972), as well as to Gardner's own *Grendel* (1971) and Donald Barthelme's *Snow White* (1967). These novels start with the myth rather than using myth as frame and metaphor, retelling and exploiting it for aesthetic and philosophical possibilities.

Of Roth's four recent novels, *When She Was Good* (1967), *Our Gang* (1971) and *The Breast* (1972) need no comment in a selective survey of the period. But *Portnoy's Complaint* (1969) is perhaps the best of the "dirty" books that have been spawned as a result of the *Lady Chatterley's Lover* and *The Tropic of Cancer* decisions. (Ironically, its publisher was one of the several who turned down Mailer's *The Deer Park* in 1955.) Good as it is, one is tempted to say of it as Styron said of *The Deer Park*: "I don't like it, but I admire the hell out of it," which from various angles might be a comment on many of the books discussed here—much of Updike, Barth and Nabokov.

Before discussing the writers and books that might have fared better and those who perhaps should have appeared on the 1965 lists, as well as some significant writers who have emerged since that date, there should be a word about the "nonfiction novel" or "history as the novel," etc. *Our Gang* was a failure, as more than one reviewer pointed out, because it is impossible to caricature caricatures; although Garry Wills and Mailer have shown that one can write perceptively about Trick E. Dixon. Without adding to the theoretical discussion of this genre, no survey of the important literature of our times can omit mention of Hemingway's *A Moveable Feast* (1964), which could be subtitled in part "Imaginary Portraits"; Jerzy Kosinski's *The Painted Bird* (1965), novel or documentary, his best book; Truman Capote's *In Cold Blood* (1966); Frank Conroy's *Stop-Time* (1967); a series of books by Mailer, notably *The Armies of the Night* and the less splashy, more solid *Miami and the Siege of Chicago* (both 1968); another series by Tom Wolfe, including *The Electric Kool-Aid Acid Test* (1968); and possibly Sylvia Plath's barely disguised segment of autobiography, *The Bell Jar* (first American publication, 1971).

II

> If the images of modern art may sometimes seem extreme to us, they really are not; the extremity is already in us but we have not yet come to recognize it.—William Barrett, *Time of Need*
>
> Is the doctor sick when he tells the anxious (hopeful?) relatives that Uncle Sam's tumor may be malignant?—*Southwestern Pennsylvania Folksaying*

Looking back at the 1965 *Book Week* survey, Robert Penn Warren's *All the King's Men* and Flannery O'Connor's *A Good Man Is Hard to Find* seem ranked too low in their respective positions of number 8 and number 13; and James Jones's *From Here to Eternity* seems a better candidate for the number 7 spot occupied by Mailer's *The Naked and the Dead*. Many of the writers who belonged on the *Book Week* lists are discussed by Tony Tanner, a Cambridge don, in his excellent and comprehensive study of recent American fiction, *City of Words* (1971). Tanner deals with most of the authors mentioned in the first section of this article, and gives equal time to James Purdy, William Burroughs, Walker Percy, William Gaddis, Thomas Pynchon, Ken Kesey, Kurt Vonnegut, William Gass, Donald Barthelme and Richard Brautigan.

Purdy and Burroughs *are* on the lists, but Purdy is well down among the "authors most frequently cited," although *Cabot Wright Begins* (1964), possibly the best of his beautifully controlled horror stories, belongs on any list of the best books of the period. Burroughs' *Naked Lunch* (1959) is an important cultural phenomenon but of smaller intrinsic literary value.

Walker Percy's *The Moviegoer* (1961) might well have been on the "best" list of its period; *The Last Gentleman* (1966) and *Love in the Ruins: The Adventure of a Bad Catholic at a Time Near the End of the World* (1971) must rank high on any list of more recent books of importance. *Love in the Ruins* is set, like many other books, in the near future and, as its lengthy subtitle suggests, shares the eschatological tone of much contemporary writing. It has little to do, however, with the technics of most sci-fi, but deals with the relationships of recognizable human beings in suburban Louisiana where Knotheads, leftists, Bantus and swamp people contend in the post-auto age, the landscape about them dotted with abandoned Howard Johnsons.

The absence of Ken Kesey from either of the lists is glaring: both the very good *One Flew Over the Cuckoo's Nest* (1962) and the remarkably powerful and ambitious *Sometimes a Great Notion* (1964) hold up a lot better than many of the titles among the "Top 20." William Gaddis might have been recognized for *The Recognitions* (1955), a novel monumental in scope and length, which has become an "underground classic." His single book, it has gained only this small audience over the years, perhaps because of its length and the intractability of much of its material and style. But Gaddis has had an effect, at the very least, on the works of Thomas Pynchon whose own *V* (1963) perhaps deserved a place on the list. Pynchon's second book, *The Crying of Lot 49* (1966) has secured his high position. (More on Kesey and Pynchon later.)

His now confirmed reputation indicates that Kurt Vonnegut belonged at least on the second list. Since 1966 this warm and witty writer has published one new novel, *Slaughterhouse-Five* (1969), a not entirely successful account of the firebombing of Dresden (of which he was an eyewitness). Here, as in his earlier works, it is the minor characters and peripheral incidents that delight the reader, lingering in the mind far longer than his semi-profound *Weltanschauungen*. In *Slaughterhouse-Five*, Vonnegut introduces himself as a character—as the author prone to making late-night drunken phone calls to his protagonist—a device employed by Barth and Brautigan among others, which seems to represent another tendency in modern writing. For what it's worth, Vonnegut's works—especially *Cat's Cradle* (1963)—are probably the most widely read today of any American author on college and high school campuses.

Another new writer highly regarded by young people is Richard Brautigan, the gentle (in fact, often mushy) West Coast poet, whose recent novels are *Trout Fishing in America* (1967), *In Watermelon Sugar* (1968) and *The Abortion* (1971). Brautigan almost manages to save himself from triteness with his unique tone and lyric gift for language. Donald Barthelme's only novel, *Snow White* (1967), indicates that *his* gift for language operates far more effectively (he has said, "Fragments are the only form I trust") in certain shorter pieces, notably, "Me and Miss Mandible."

No survey of this period could neglect the prolific Joyce Carol Oates. In addition to short stories, poetry and criticism, she has published four novels of varying quality during this time: *A Garden of Earthly Delights* (1967); *Expensive People* (1968); *Them* (1969); and *Wonderland* (1971). It should be noted here that Cynthia Ozick, Hortense Calisher and Paula Fox are also alive and well, and Tillie Olsen's stories are in print again.

And finally, to supplement the list of twenty best books, 1945-65, there follows

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a selection of seven books published between 1966 and 1972 (with one exception). After due consideration, it was decided to include no post-1965 fiction by authors who "made" the *Book Week* list. The selections are listed in order of publication date.

(*1*) *Sometimes a Great Notion* by Ken Kesey (1964). Although it was published before the cutoff date for this supplementary list, this masterpiece, neglected by the critics, demands representation on any list of important recent fiction. Bearing the name of Kesey, it must disappoint many readers that this long, realistic novel about an Oregon logging clan is as "far out" as Dickens or Flaubert. As in *One Flew Over the Cuckoo's Nest*, Kesey displays a superb gift for dialogue and characterization, and here he also experiments effectively with a multi-level interior monologue. When this powerhouse falters, as it occasionally does, it is not for lack of trying. More, Mr. Kesey, more.

(*2*) *The Crying of Lot 49* by Thomas Pynchon (1966). Pynchon has achieved the near impossible in that his books are "surreal" and still have "heart." Thus this paranoid yet moving and strangely believable successor to his earlier *V* manages to convince us that neither the author nor his protagonist, Oedipa Maas, is mad—but America is indeed. His truly powerful vision of the West Coast as microcosm of the world's ills makes a more recent tale of freeway nightmares, like Joan Didion's *Play It as It Lays* (1970), look pale and whining. One young writer operating somewhat in the Pynchon vein of wackiness is Tom McHale, whose novels of Catholicism in the City of Brotherly Love, *Principato* (1970) and *Farragan's Retreat* (1971), indicate a promising future.

(*3*) *The Eighth Day* by Thornton Wilder (1967). In his 70th year, after a novelistic silence of almost twenty years, one of the few survivors of the second American renaissance published this long, richly detailed "American chronicle" (Mark Schorer). Like *Sometimes a Great Notion*, it is centered on family and community. Like Robert Coover's *The Origin of the Brunists* (1966), which has been critically ignored in favor of his later, more adroit but less impressive, fiction, its main setting is a mid-American mining town. There, on a spring day in 1902, one of the two leading citizens of Coaltown, Ill., apparently murders the other. (The "mystery" aspect of the novel won't bother a reader of Ross Macdonald for long). Like John Gardner's *The Sunlight Dialogues* (1972), *The Eighth Day* is an essay in philosophy. It concludes: "History is one tapestry. No eye can venture to compass more than a hand's-breadth. . . .

"There is much talk of a design in the arras. Some are certain they see it. Some see what they have been told to see. Some remember that they saw it once but have lost it. Some are strengthened by seeing a pattern wherein the oppressed and exploited of the earth are gradually emerging from their bondage. Some find strength in the conviction that there is nothing to see. Some"

(*4*) *In the Heart of the Heart of the Country and Other Stories* and *Willie Masters' Lonesome Wife* by William H. Gass (both 1968; as in the come-on of book clubs, these two selections count as one). Gass is also the author of *Omensetter's Luck* (1966), out of print but happily to be reissued shortly, for it stands in kind and worth with the novels cited in the preceding paragraph. The latter stories and the novella, however, are even more exciting examples of possibly the most brilliant talent in contemporary writing. "The Pederson Kid" is a terrifying tale of a Midwest boyhood, made more terrible because the narration is in the flat vernacular of a frontier boy. The title story—or nonstory—is also in the first person: a soliloquy by a man immobilized by the end of an affair in a small Indiana town, a man, not young, who quotes Yeats and Hart Crane, who returns to, or is reconciled to, a kind of death by recording the heart of the country. Once more, *Willie Masters' Lonesome Wife* begins in the first person—here, in the vernacular of a sensuous woman—but very soon the voice and frames of reference are unmistakably those of Gass, who is also the author of an outstanding recent collection of essays and reviews, *Fiction and the Figures of Life* (1971).

(*5*) *Hue and Cry and Other Stories* by James Alan McPherson (1969). In contrast to the verbal pyrotechnics of Gass, these are conventionally, even conservatively written stories, although the subject matter and author's angle of view are neither conventional nor conservative. Of the ten stories, the three longest are possibly the best, which is a good omen for the future of this author who is not yet 30: "A Solo Song: for Doc," an encapsulated history of the last great days of the railroad waiter; "Gold Coast," the last days of an aging Irish janitor as told by his young assistant who could only be McPherson; and the title story, a haunting tragedy about the affairs of an educated black woman. In all the stories, as McPherson has said, "Certain of the people happen to be black, and certain of them happen to be white." It has obviously not been the function of this survey to segregate books or authors by creed, sex or color, but this seems to be the place to note that there has been little impressive *fiction* by black writers since 1965. James Baldwin's *Tell Me How Long the Train's Been Gone* (1968), as with almost everything else of Baldwin's, has many fine qualities, but confirms the cliché that this most distinguished author is weakest as a novelist. William Melvin Kelley has not fulfilled, except for a few stories, the great promise of *A Different Drummer* (1962), but it is good to have that fine book now in paper (Anchor, 1969). Ishmael Reed's three novels since 1967 have the virtue of a progressive substantiality but even *Mumbo Jumbo* (1972) does not compare with the achievement of *Hue and Cry*.

(*6*) *Deliverance* by James Dickey (1970). This brilliant craftsman's only novel is a modern horror story of four urban men whose reckless canoe trip turns into a nightmare of moral ambiguity. His *machismo* should not put off right-minded readers, for therein lie

SWIMMING PAST THE MONTAUK LIGHTHOUSE

We, born by the sea, have always brooded:
We watch the gracefulness of sudden terns
Become steel and banking off the mist zero in
To slit the waters with gray ailerons.
These birds emerge whistling with the freedom of catastrophes:
They drop to meet marked swimming shadows
And set, bobbing divers, atop the whitecaps rocking—
Their claws do not surprise us.

Dark spaces on the sand impress our minds:
We walk the beach and step on
Ripped fish, we nod at signs of ships strewn,
When wounded we soothe our sadness swimming
On salt crests wide wings have touched,
But still we stretch our nets.

Dan Eneman

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many of the essentially American issues *Deliverance* explores. Primarily a poet, Dickey's ability to extend his talents into other genres (as have Anne Sexton, Adrienne Rich, Gwendolyn Brooks and Sandra Hochman, among others) might be a step forward in the enrichment of the American language.

(7) *All My Friends Are Going To Be Strangers* by Larry McMurtry (1972). Publishing since 1961, this Texas-based writer has finally emerged triumphant with this wildy funny, hauntingly sad, autobiographical novel, written in his usual effortless style. McMurtry's world is wonderful, more than the sum of its uneven parts, which also include *Horseman, Pass By* (1961), *Leaving Cheyenne* (1962), *The Last Picture Show* (1966) and *Moving On* (1970). Danny Deck, the protagonist of *All My Friends,* is his latest and best contribution to American letters—in his own weird way the classic Emersonian figure of "the simple genuine self against the whole world." □

Ferment in the Church

BARE RUINED CHOIRS: Doubt, Prophecy, and Radical Religion. *By Garry Wills. Doubleday & Co. 272 pp. $7.95.*

THE RENEWAL OF AMERICAN CATHOLICISM. *By David J. O'Brien. Oxford University Press. 302 pp. $7.95.*

JOSEPH CUNNEEN
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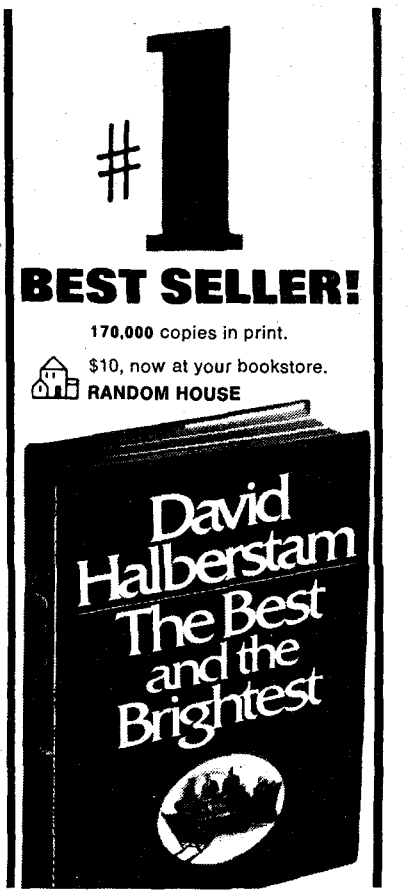
Garry Wills, whose *Nixon Agonistes* brought him deserved acclaim, has written a well-publicized, often entertaining, sometimes insightful, but ultimately lopsided book on (the jacket copy informs us) "the current agony of the Catholic Church." A Yale-trained classicist, Wills is one of the most literate and readable of the new crop of fashionable journalists, but the requirements of mass magazine assignments have a good deal to do with the uncertain quality of the design of *Bare Ruined Choirs* and the considerable confusion of its point of view.

The assertion in his introduction that pre-Vatican Council II Catholics merely pretended to believe, for the sake of others, undercuts the distillation of nostalgia and disillusion in his first chapter, "Memories of a Catholic Boyhood," reprinted from *Esquire*. Wills correctly points out that the "dirty little secret" dramatized by the council and its aftermath was that the Church can change, but seems not to know that the naive belief in a monolithic and immobile Church was also encouraged by sophisticated anti-Catholics, and that the defensiveness and ignorance of history shared by his childhood fellow parishioners was largely an index of their economic and social status.

Wills's pretensions lead him to build broader and broader generalizations on a wide range of unsupported assumptions. Too often he speaks of the crisis in Catholicism in terms of a strangely provincial and clericalist world, largely populated by Jesuits in the Eastern United States. Even more serious is his desire to build some kind of connecting argument on the basis of a strained analogy between the failures of "liberal Catholicism" and the ambiguities of Kennedy's problem-solving, value-free administration, its preoccupation with power symbolized by McNamara's concept of "flexible response." This allows him to pay off some old scores, write a gratuitous attack on the president of Hunter College, Mrs. Jacqueline Grennan Wechsler (he needed a chapter on "The Two Jackies"—the other being the late President's wife, about whom he says nothing—to balance another on "The Two Johns," John XXIII and JFK), and patronize his intellectual betters, John Courtney Murray and Teilhard de Chardin. In a brilliant updating of guilt by association, Teilhard is eligible for attack because McNamara presumably admired him, and "No politician . . . could have been more congenial to him [Teilhard] than John F. Kennedy." Wills wants to champion a prophetic Christianity that avoids any compromise with worldly standards and is able to deliver a credible evangelical judgment in moments of crisis; unfortunately this leads him to describe John Courtney Murray's efforts to give doctrinal justification for separation of church and state as a kind of unworthy capitulation, and to place salable thrusts at exaggerated Catholic concern with celibacy in *Playboy*.

For someone who sneers at the ignorance of history in a still largely immigrant Catholicism, Wills himself seems strangely indifferent to history. There are many valid criticisms to be made of what he far too loosely labels "liberal Catholicism"—used as such an all-purpose term that it could include anyone who chafed at the restrictions of the ghetto parish of an earlier day—but they would come with greater effectiveness if the author made even passing mention of his own intellectual Odyssey. Not that Wills is under any obligation to confess to being, until quite recent years, a regular contributor to *National Review*, but a late convert from the justification of our invasion of Vietnam ought to mount his attack on liberal inability to say "No" to the state with a bit more humility, and to date his quotations carefully. He rightly defends St. Augustine against the charge of being a sexual repressive by referring to the historical context of classical antiquity, but a selective arrangement of statements by Teilhard distorts his evolutionary optimism into a parody of positive thinking. Similarly, although only in the Cloudcuckooland of William Buckley could John Courtney Murray ever have been perceived as other than a sophisticated conservative, one would have expected Wills to present Murray's defense of brinkmanship and the idea of the just war in the context of the all too traditional rationalization of war during almost two millennia of Christendom, along with perhaps some hint of what Wills himself was preaching at the same time, and an indication that Murray had before his death come to justify selective conscientious objection.

A more confessional tone, plus a large



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dollop of self-deprecatory humor, was exactly what was needed to fulfill the book's promise of a genuinely contemporary "Memoirs of a Catholic Boyhood." Instead, the omniscient tone takes over, which is enjoyable in its detailed demolition of Paul VI's encyclical on birth control, but more often is fussy and self-contradictory. Despite Wills's insistence that "the life of church machinery is death to any church's spirit," his rhetoric is chiefly directed at those preaching renewal and reform, as if the movements within Catholicism that coalesced at Vatican II were not a contemporary expression of the prophetic strain he himself invokes. There is an attractive piety in his concluding chapters, but the broad spiritual tradition he admires—that of Newman, von Hügel, Lacordaire, Erasmus, Campion—is employed in a highly idiosyncratic way. Although most of the book is best understood as a lively continuation of an old argument by an independent conservative against the "liberalism" of *Commonweal*, Wills ends by identifying himself with the "radical religion" of the Berrigans—and with a rather facile gesture of ecumenism, of William Stringfellow and Arthur Waskow (as radical Protestant and radical Jew).

Admiration for the Berrigans' defiance of the war machine is understandable, but the reader may be suspicious that Wills wants to endorse them as a sect far too exclusive and righteous to be considered either radical or Catholic. Wills can be forgiven his lack of interest in a wide range of contemporary Christian thought that might find the spiritual and intellectual foundations of his own religious position outmoded; more worrisome in the context of his endorsement of "prophetism" is his lofty indifference to politics and economics. Nor is it historically sound to praise the Berrigans without reference to the broader Catholic community (beginning with their own family), with all its ambiguities, from which they took their strength. If the Berrigans' protest is to be more than an idle gesture, those of us who claim to understand it as rooted in authentic Christianity, far from making it our personal icon, must learn to communicate its meaning to rank-and-file Catholics as mediocre as ourselves, but perhaps even more victimized by having grown up in the pre-council Church.

Readers interested in building a "radical Catholicism" that might have positive political implications will find more satisfaction in David O'Brien's *The Renewal of American Catholicism*. Like *Bare Ruined Choirs*, the book can be seen as a collection of essays, but O'Brien's purpose and point of view are consistent and undisguised. Although never dull, O'Brien writes with less verve than Wills, but his careful presentation of a variety of opinions soon makes one feel that sobriety is refreshing in a period of false dazzle. O'Brien's sympathies are openly with the best elements of the New Left; he quotes Wills favorably in several instances and is surely as staunch a supporter of the Berrigans. But his sympathetic presentation of the background history of American Catholicism gives the reader a broader understanding of the direction of contemporary movements. A trained historian, he provides shrewd insights on the human cost of the Americanization of 19th-century immigrants, the relation of Eugene McCarthy and Pierre Elliott Trudeau to the European Christian Democratic movement, and the significance of Saul Alinsky. Unlike Wills, he sees the importance —and the political implications—of a number of elements in contemporary Christian theology. And though his sympathies are with the radicals, he retains a practical concern for building alliances, grounded in an instinctive sense of community. In terms of American Catholicism coming of age, O'Brien and Wills are in fundamental agreement, since both emphasize the limitations of the earlier tradition in which insecure Catholics were overly concerned with making the Church American. Happily, they both stand as witnesses of authentic faith, as men prepared to make a radical criticism of the dangerous concentration of power represented by the United States of America. □

A Wonderful Scheme for Criticism

GROUNDS FOR COMPARISON. *By Harry Levin. Harvard University Press. 448 pp. $13.50.*

CHARLES BAZERMAN
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Harry Levin entered Harvard as a freshman in 1929. He never left. In time he became the Irving Babbit Professor of Comparative Literature. In this most recent collection of his critical writings he surveys all of literature and literary scholarship with a dizzying calm. His concerns are those of a senior scholar who has digested all of Houghton Library and half the visiting and resident professors of his Parnassus. Among the thirty-six essays are re-evaluations of familiar works, introductions to unfamiliar ones, tributes to colleagues, definitions of his work and field, and re-examinations of the old questions. The volume also contains an up-to-date bibliography of his extensive writings.

In many of the essays he shows concern for the problem of accurate reading. In "Why Literary Criticism Is Not an Exact Science," Professor Levin finds his starting point in I. A. Richards, whose besetting problem was how to read the text that was there. Richards found himself in muddy water when he discovered that what was there was not always verifiable by rhetorical analysis. In "An Introduction to Ben Jonson," Professor Levin sees his task as defining the proper way to read that much misread author. He defines the poet's excellences and interests, his stratagems and the purposes of those stratagems. At times the observations are precise and get us into the workings of the plays.

> Between the abstract idea of the plot and the concrete detail of the language is a hiatus. Nothing is lacking, but the various components can be distinguished without much trouble. In Corvino's phrase, it is too manifest. After the large masses have been sketched out in baroque symmetry, decoration is applied to the surfaces. What is said, frequently, does not matter, so long as something is said, and then Jonson is at special pains to make what is said interesting for its own sake. Surly's school-book Spanish and Doll's memorized ravings are simply blocked in. But when Mosca reads the inventory, or when Subtle puts Face through the alchemists' catechism, they too are saying something where—in the dramatic economy—they mean nothing, and their speeches take on the aspect of incantation. It is a trick which reaches its logical limit in *Epicene*, where everything spoken has a high nuisance value and the words themselves become sheer filigree. Beyond that point, they have the force of Molière's comic refrains. Lady Wouldbe's uncontrollable flow of recipes, prescriptions, literary opinions, and philosophical speculations, at cross-purposes with Volpone, demonstrates how conveniently this talking-machine technique bears out Bergson's theory of laughter.

Levin reads with as much apparent sympathy so different a work as William Carlos Williams' first novel, *A Voyage to Pagany*, an autobiographical *Wanderjahr* work, "reflective and highly subjective, paying less heed to the impressions it gathers than to the impressionist

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who blends them in with his thoughts—thoughts on art, in the main, and its interconnection with the two hemispheres." Stendhal, Laclos, Hawthorne, Bierce, Huneker, Dickens, Molière, Proust, Mann, Cummings, Moore and Nabokov also receive readings.

One of the striking things about this volume is the number of essays on recent literary scholars: Spitzer, Auerbach, Lovejoy, Parry, Baldensperger, Renato Poggioli, Perry Miller. Levin reads the work of his colleagues as seriously as any work of literature. He tries to find out the nature of their endeavor, what problems led them to raise what questions, and what answers led them to what further questions. For example, of Milman Parry, the Homeric scholar who went to the Balkans to study surviving epic singers, Levin says:

> Had Parry been content to confine his researches to the classics, his views, however cogent, would have remained a hypothesis. But his broad training and his concern with method carried him beyond that stage, since he regarded himself as primarily an anthropologist of literature. By that he did not mean that he looked upon his subject as an amorphous mass of documents out of which the history of custom and ritual could be conveniently reconstructed. He considered literature itself the richest and most sensitive of human institutions—not a two-dimensional page in a book, but a rounded organism embracing the people by and for whom it was created. He foresaw the possibility of establishing a physiology of literature, of investigating the way it works, the necessities which call it into being, the circumstances under which it flourishes.

With such wide reading and interests Levin has many tools to deal with the ancient topics of conversation: Is the novel dead? What is realism and who's got it? What are the humanities? In "Thematics and Criticism" he directs attention away from the clerical cataloguing of recurring themes and the dogmatic systematization of the history of motifs. He proposes instead a closer study of the variation of themes within the context of individual works, authors and periods of time.

> Themes, like symbols then, are polysemous: that is, they can be endowed with different meanings in the face of differing situations. This is what makes an inquiry into their permutations an adventure in the history of ideas (see Don Cameron Allen on Noah or George K. Anderson on the Wandering Jew). Our knowledge can be enriched by finding out why certain themes have been chosen at certain periods (the Wagnerian resurrection of the *Nibelungenlied*) or in certain localities (the Vergilian linkage of Rome with Troy) or by certain authors—why should the saintly figure of Joan of Arc have impressed such skeptics as Mark Twain, Bernard Shaw, and Anatole France, while failing to win the sympathy of Shakespeare? Themes, like biological entities, seem to have their cycles, phases of growth, of heyday, and of decline, as with Troilus and Cressida.

What is remarkable here is not the impatience with well-known vices of the profession, but the substitution of a method which requires the skills of a thematist, a new critic, a phenomenologist, a classical philologist, a historical scholar, a historian of ideas, a social scientist and a poet. A wonderful scheme, but the author only suggests it.

Harry Levin is very good at suggesting things that have the sound of an ideal eclecticism, and then moving on. In this volume it is often difficult to distinguish the complex elliptical argument from the random wanderings of academic Muzak. The passage from the essay on Ben Jonson quoted above has a muddy context. It appears under the subheading "Rhetoric," which begins with the workaday problems of masque production. This leads to an exposition of the masque-like elements in the plays, then a discussion of Jonson's problem with plots, and his solution—the use of the practical joke. So, tortuously, we come to the quoted passage on fool's patter. Separately his observations seem just, but the connecting logic is at best thin and at worst misleading because of its use of the smooth transition to suggest a harmony not demonstrated.

While these shifts merely weaken an introduction to an author's works, they are fatal to a more general argument. "Why Literary Criticism Is Not an Exact Science" soon gets off the rails. After mentioning Richards' final work on Coleridge, Levin drops the original ques-

A FATE

Nijinsky I was. Once a god
Of the race.

Then I sat motionless, for years,
While I aged.

Motion failed me.
It is a god in things;

It is all there is,
Throughout space, the huge theater

Blackened, that white stars streak by in,
Changing. I am here, fixed.

William Burford

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tion of scientific reading in favor of an assessment of Coleridge's philosophy. A comment by Coleridge is the excuse for a history of literary criticism from Plato to the present. Then a survey of modern historians of criticism slips in. The ramble proceeds according to the chances offered by stray remarks and the awkward machines of academic discourse. This and other essays in the volume are like the roll calls of great names that ring the walls of theatres, museums and halls of philosophy. Once one knows the persuasion of the institution there is a charm in seeing the logic of its gods, but little else.

At times in this collection the praise of local gods blinds judgment. If T. S. Eliot had the sense to leave "Ode of the Class of 1910" out of his *Collected Poems*, it is hardly seemly for Levin to resurrect it as a major text for the memorial, "T. S. Eliot and Harvard." Each man worships his own gods, but it helps our reading if we separate compliments and pieties from arguments. □

THEATRE

HAROLD CLURMAN

Don Juan in Hell is a long extract from the third act of Shaw's 1901-03 comedy *Man and Superman*. Since 1952 when Charles Laughton, Charles Boyer, Cedric Hardwicke and Agnes Moorehead presented it with phenomenal success as a staged reading it has come to be taken as a separate entity.

It might be termed a Shaw preface in dialogue, a discussion or a debate. And it is a long-accepted truism that people do not go to the theatre to listen to so much "talk"; they go to see plays: entertainment through action. How explain then that this piece still holds a delighted audience attentive for two hours? The answer is that Shaw's dialogue *is* action and his writing entertainment. Shaw was a born speaker, which is one reason why he was always effective in public address. Then, too, he had wit. In place of suspense, *Don Juan in Hell* has surprise and expectancy: we want to know the "verdict," how it will all come out. Even those who don't quite understand what Shaw is driving at enjoy the ride.

There are no characters: all the figures here are "masks": Don Juan, the Devil, the Commander and Dona Ana. But one cannot make a play without characters, wise men of the theatre have endlessly asserted. William Archer, Shaw's friend and critical colleague, thought Pinero superior to Shaw, but it is Shaw not Pinero who still holds the boards everywhere. For the truth is that flesh-and-blood characters, as they are commonly referred to, are comparatively rare in the history of drama: Hamlet is such a character, so are Hedda Gabler, the Three Sisters, Blanche du Bois, et al, but Oedipus is not in the same sense a character. He is an animated idea set in a dramatic situation.

To speak of character in the modern theatre is to imply what is called "psychology." But as Virginia Woolf once pointed out, there is more psychology in a page of Proust than in all of Greek drama. The characters in the greater part of stage annals are what Ben Jonson called "humors," various human dispositions or types. This holds true not only for the *Commedia dell'arte*, for Molière, but to a large extent for Pirandello, Brecht, Beckett, Pinter. Though he greatly admired and thought himself a follower of Ibsen and Chekhov, Shaw was a dramatist in the older tradition. His best speeches are arias. He loved opera and preferred actors who were virtuosi in the grand manner.

Shaw's ideas in his time were revolutionary. But what is expressed in *Don Juan in Hell* even now has punch. The fact that his "life force" may be traced to Bergson's *élan vital* and the Superman to Nietzsche, does not mean that they signify the same things as in those writers. Shaw lent his own thought and feeling to these catchwords.

He desires man to transcend the "poor forked animal" he now is. "Life," he says, is "driving at brains . . . an organ by which it can attain not only self-consciousness but self-understanding." The life force would act as "a mind's eye that shall see, not the physical world but the purpose of life, and thereby enable the individual to work for that purpose instead of thwarting and baffling it by setting up short-sighted personal aims." He clamors for the philosophic man: he who "seeks in contemplation to discover the inner will of the world, in invention to discover the means of fulfilling that will, and in action to do that will. . . ." "The life force bids him seek an incessant aspiration, wider, deeper into our self-consciousness and clearer self-understanding." To do this we must create a superman who will make the latent human beings we are into real persons. Shaw knew that such a person had not yet been evolved—and at times despaired of his ever coming into being—thus the last words spoken by the woman in the argument are a prayer: "A father! A father for the Superman!"

Shaw's essential spirit may be discovered when he has Don Juan say, ". . . as long as I can conceive of something better than myself I cannot be easy unless I am striving to bring it into existence, or clearing the way for it." Shaw is a puritan—a disturbing phenomenon in a world where the very word is in ill repute as representing something dour and repressive. But Shaw's puritanism is gay and lively. Though he lacks sensuality, he is not without passion. Though idealistic, he has common sense and an eye fixed on immediate realities and interim solutions. He is even a mystic, but rarely—and this is his limitation—a poet. He is all verve.

His prose, though prolix at times, is one of the best written in our age. It has breadth and drive; it scintillates and amuses; it is serious but never ponderous. It is at once crisp and rich in sound, sharp in aim and movement. Those who complain that Shaw's ideas are not novel are generally people who have none of their own and who celebrate plays from which ideas—new or old—are totally absent.

Of the evening's present reading at the Palace Theatre with Ricardo Montalban (his Latinity is not appropriate but he gets over), Paul Henreid (also foreign in accent but perfectly intelligible), Edward Mulhare (perhaps excessively British) and Agnes Moorehead one may say that while it isn't up to the level of the Laughton team, it still serves the event admirably.

One of the advantages of seeing the production of a classic Greek play is that it may lead us back to a literal translation of it. Most of the text in the Circle in the Square production of *Medea* is close to the Rex Warner translation which I have just reread, but it has been updated here and there in a way I find deplorable. One hears such lines as "Woman's place is in the home" and the word "sex" is used to signify desire. "Women's liberation" has been stressed, as has the misfortune of racism —Medea is Asiatic and Jason a Greek.

It is no simple matter to produce a Greek tragedy on the contemporary stage. The original key to the play's significance as well as the language are missing. There is no authentic Greek tradition for us. I am sure, however, that it is a mistake to attempt to bring these plays closer to us; we should reach out to them. Minos Volanakis, a Greek by birth and an able director, staged the present *Medea* because, the program informs us, "it is the best play about New York he has read." He means that the play deals with a woman betrayed by a horrid man, a brown lady who

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suffers through white prejudice, and as Euripides says, "there's hatred everywhere."

That will not do. It is true Euripides was a rebel, disliked in his day and subject to severe criticism by Aristotle a hundred years later, as well as by Nietzsche in modern times; true that he felt women were unjustly treated (though there are notes of "Strindbergian" misogyny in his work); that after writing one "patriotic" play, he wrote several which were anti-war, and that he doubted the wisdom of the gods. But *Medea* is more complex than even these traits would indicate. The play is not chiefly propagandistic: it embodies a questioning of life itself. It affirms nothing except the existence of evil within the seed of existence. Medea, who kills her children to avenge herself on the husband who wronged her, may have cause, but her fury, Euripides asserts, is monstrous. There can be no measurable justice. Zeus, overseer of everything, is not to be challenged; "many things the gods achieve beyond our judgment. . . ." "What we thought is never confirmed and what we thought not god contrives. And so it happens in this story." The tragedy is that we cannot ever be certain of anything, for everything is both right and wrong. There is no mitigation in Euripides; his art is fierce.

To put it as baldly as possible, we may say that what the play concretely dramatizes is: "Heaven has no rage like love to hatred turned nor hell a fury like a woman scorned." The play should terrorize us. There are several passably interesting moments in the Circle in the Square production but, to begin with, its chorus sounds like a recital by high school girls at assembly. Then too, Irene Papas, a good actress and an attractive woman, has been directed to play sorrowfully and tearfully—for sympathy rather than for an all-consuming wrath. Even her remorse should never be softened to Christian pity.

Those members of the cast who read well—Al Freeman, Jr. as the Messenger for example—do not possess voices sufficiently trained to match the gamut of the emotionally violent passages. At high registers one hears a strain close to strangulation; articulation is muffled. As staged, the ending in which Medea, daughter of the sun god, is borne aloft on a chariot provided by her father, may be visually surprising, but in the context of the preceding action it is bewildering. The use of the masks is eclectic, as is the entire style of production. In brief, while it may be a noble enterprise to essay Greek tragedy in our theatre, it nearly always proves fruitless. □

DANCE / Nancy Goldner

The theme of American Ballet Theatre's new souvenir book is eclecticism. It boasts of the international nature of its repertory and of the fact that 100 choreographers have had ballets performed by ABT since its founding in 1940. Its repertory has never been the work of one or two choreographers, and it has always tried to present the old and the new; yet until recently it did not make the natural inclination toward variety into a policy. And even though eclecticism was implicit, one also thought of ABT as an Antony Tudor company, because many of his ballets were performed and because the dancers had, and still have, a special sympathy for his style. He was the hallmark. In the last few seasons, but especially in this most recent one—January 9 to 28 at the New York City Center—the company has been playing a numbers game so nonsensical and sterile that one can only wonder why it is happening. It is as though ABT thought that eclecticism amounted to an intrinsic value more profound than the quality of the individual ballets. Or is management saying, with a glance at the New York City Ballet, "Well, at least we don't offer ballet after ballet by one person"? No, they don't, but the following is what they have offered us this season.

We saw nineteen ballets by eighteen choreographers (Alvin Ailey represented by two), of which two were new and four revivals. Of the thirteen old ones, only *Les Sylphides*, the *Don Quixote pas de deux*, *Coppelia*, Eliot Feld's *Intermezzo* and Tudor's *Lilac Garden* are of high quality. *La Fille Mal Gardée*, a two-acter, has possibilities but is given a dull production and, in terms of choreography, is far inferior to Frederick Ashton's ballet. *Paquita*, after the Petipa masterpiece, is not danced well enough to work as a series of brilliant divertissements. Ashton's *Les Patineurs* and de Mille's *Rodeo* are fine as light fillers, but they need to be counter-weighted.

The two new ballets are by modern dance choreographers. The loose, ill-defined rhythms of Benjamin Britten's *Peter Grimes*, to which Ailey has set his new *Sea-Change*, is well suited to Ailey's style: 90 per cent rubato and 10 per cent steps. The story of *Sea-Change* is nebulous too. In the first part the dancers are behind a scrim, suggesting that they are under water. The attendant girls wear shawls and the man (Royes Fernandez) drifts among them, his arms outstretched, his torso rolling in agony or sorrow. Now the scrim rises and Sallie Wilson dances more cheerfully—that is, more quickly—among men. They solemnly file out, leaving her and Fernandez to a soulful duet. In the final part, called "Storm," everyone rushes about and then Fernandez is carried in, dead. He is lifted high, his lover is lifted above him, and the curtain falls. Perhaps the first scene is an underwater funeral and the last a terrestrial funeral. Or perhaps it is all a flashback telling us how he came to be a water sprite. In any case, *Sea-Change* is full of atmosphere and empty of dancing. The soloists run through channels of dancers, which does suggest a watery environment, but mass movement is limited as a dramatic device.

Lar Lubovitch's *Scherzo for Massah Jack* has a curious theme. In the beginning, a boyish-looking dancer and a Southern belle rush across the stage.

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They are followed by an old man, perhaps a gentleman farmer, who seems to be trying to catch up with the other two (elopers?). Next appear a group in leotards. Their dancing—timeless, placeless, but with occasional dramatic incident—dominates the rest of the ballet, except that every so often the Southern figures intrude upon the dance like a dream. These historical references, injections of *non sequitur* humor and, indeed, the overall tone and intention of the ballet are unclear on one viewing. This problem might be resolved later on, but the choreography will not be better. It is all sheen. Standard modern dance movement looks more interesting than it really is simply because it picks up some balletic movement and because it is done at a quick tempo. The tempo and wham-bang timing of the acrobatic lifts instill the appearance of invention. And the partnering itself is complicated enough to suggest more dazzle than it produces. Too, the dancers' tempo is a nervous accompaniment to the surging, pressing lyricism of the first and last movements of Ives's *Trio for Violin, Cello and Piano*. The choreography interferes with the music, and that alone makes *Scherzo for Massah Jack* seriously flawed.

As for the revivals, the best is Herbert Ross's *The Maids*. Ross wisely does not consider all the complexities of Genet's play but concentrates on the constant exchange of aggressiveness and passivity between two men. Tension mounts surely and slowly until the resolution of murder. The *Flames of Paris* duet, from the Bolshoi repertory, is pleasant but lackluster. John Prinz accentuated the virtuoso aspect but was charmless; Eleanor D'Antuono was charming but her pirouettes and little running steps on point were not exciting.

David Lichine's *Graduation Ball* is well done, since ABT has excellent soubrettes (Christine Sarry and Zhandra Rodriguez) and other character dancers to carry the ballet's simple-minded but harmless humor. With its stock dance situations—mass waltzing to Johann Strauss, a competition for two girls who excel at tricky turns, and a gavotte for headmistress and headmaster of the nearby military academy, the joke being that old people dance and fall in love—*Graduation Ball* is not boring and would be welcome if it were programmed with high-protein items. Rudi van Dantzig's *Monument for a Dead Boy* is intended to be serious all right, but in its own way is as silly as *Graduation Ball*. It is one of those psychological sagas in which mom and dad are brutes, the neighborhood boys nasty, and the girl next door unreachable. So naturally

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the protagonist becomes a homosexual, which in this ballet is seen as the ultimate tragedy. The story is conveyed by gesture which does not transcend the emblematic representation of a mime scene in a full-length operatic ballet. Yet *Monument*'s genre is psychological realism. It asks for more acting than dancing, which is unfair to the dancers and is a telltale sign of the ballet's weakness.

Generally, these new productions do no justice to American Ballet Theatre's dancers and to the company's position as a major institution of ballet. In the name of variety, it hauls out one piece of trivia after another. And all the while that rarity of rarities, a good choreographer by the name of Eliot Feld, is idle. Any one of his works is worth all six new productions combined, and I write this with only a little exaggeration. Why can he not take the place that Tudor once held (and why does the company do only one or two Tudor ballets each season)? Better yet, why not give Feld a slice of artistic control, for choosing revivals and commissioning new ones? His taste would not please everyone, but his presence would reintroduce into the company the concept of selectivity and the force of creative imagination. For the company does need an artistic personality that includes but does not depend on its *Swan Lakes, Giselles* and *Coppelias*. If Feld cannot be the one, then let some other *one* develop definition and find a choreographer. □

ART

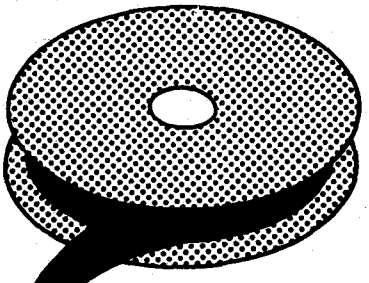
LAWRENCE ALLOWAY

"Ray Johnson's History of Betty Parsons' Gallery" is not only the best collage show in years; it is a tribute to a great American gallery. Let me start with the history. Betty Parsons entered the art business in 1941 as director of a small gallery in the Wakefield Bookstore, now on Madison Avenue but then on 55th Street. In 1944 she moved to the Mortimer Brandt Gallery on East 57th Street and developed a contemporary section for this dealer in old masters. Then, her apprenticeship served, she raised $6,000, and in the fall of 1946 opened the gallery under her own name which has run continuously ever since. (It is here, at 24 West 57th Street, that the collage-history can be seen until February 3.)

To a remarkable extent the history of the gallery follows the progress of American painting as it emerged in the 1940s from local to international status. From the beginning Betty Parsons' taste was for American art and this at a time when European models dominated New York. That she was right, at a time when there was no outside support for her view, is shown by her exhibition record for the period 1947-51. She showed Jackson Pollock and Mark Rothko five times each, Ad Reinhardt four times, Clyfford Still three times, Barnett Newman twice and Adolph Gottlieb, Hans Hofmann and Bradley Walker Tomlin once each. That is to say, all the major Abstract Expressionists were in the gallery except de Kooning, Franz Kline and Motherwell, the gestural painters. Betty Parsons remembers wryly that she was unable to raise $3,000 in 1948 to buy out her first Pollock show. The fact is that her pioneering taste, though confirmed later, was not negotiable at the time. Other dealers have made the profits on the artists she showed, but her discoveries are a part of the history of American art.

The Betty Parsons Gallery, it should be remarked, was the first in an austere architectural style. "I knocked down a wall and painted the whole place very white," she told a friend at the time. Tony Smith, later to become well known as a sculptor, did the conversion for her. As Clyfford Still wrote to Mrs. Parsons in 1951: "My work is simply not understood by those who would equate it with a beige settee, or take it with a glass of Chianti." All decorative and domestic detail (which was often used to sell art) was suppressed, so that the paintings could be seen, without distraction, in a gaunt frame. A line can be traced from this original bare gallery to Virginia Dwan's New York gallery and thence to the downtown lofts now so numerous in SoHo; it is another confirmation of the accuracy of Mrs. Parsons' judgment.

Younger artists were attracted by the probity and independence of the gallery. In an interview with Walter Hopps, for instance, Jasper Johns remembers that in the late 1950s, when he was an



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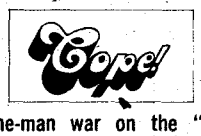

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unknown artist, he wanted to show his work. "I didn't think I'd be happy to enter this kind of situation, the gallery situation. Then, the only place I wanted to show was Betty Parsons who seemed to have no kind of . . . nothing that she was promoting, so I felt kind of free in that situation." In fact, Johns and Betty Parsons never got together, but Robert Rauschenberg's first show was there. The way the gallery went was not toward Pop art but in the direction of a new generation of Abstract painters: Ellsworth Kelly, Jack Youngerman, Agnes Martin, Leon Polk Smith, Paul Feeley, all painters who had learned from the liberated color of Abstract Expressionism but who contained it within regular and geometric forms. Ad Reinhardt was a bridge between the Abstract Expressionists to whom he belonged in age, and the newer artists, to whom he had stylistic affinities. Again Betty Parsons had identified and offered early hospitality to what became a dominant trend in American art.

In Ray Johnson's collages words and images are inextricable: the denotation of proper names and the chains of visual associations tangle and unravel. These collages are not designed to be seen in a single, all encompassing glance, like a Motherwell collage; on the contrary, they are intricate and discursive, a nest of clues that solicit close attention. They are to be read. Johnson explained the situation by saying that he was "name dropping."

The names are from Johnson's own lexicon of friends and from the cast of hundreds who have shown at the gallery: Bess and Hess are rhymed in one place (Forrest and Emile respectively); and ". . line . . rter" is an elision of Arline Porter, an old friend of Mrs. Parsons. Rows or columns of squiggles, sometimes elephant heads, sometimes shoes, sometimes who knows what, are captioned with such lists as "Sari Dienes, Robert Rauschenberg, Chryssa, Edouardo Paolozzi, Tako Sinoda." The names become as exotic as a Babylonian laundry list in the context of provocative ideographs. There is, too, a memorial theme which rests on verbal and visual opposition: "Jackson Pollock 1912-1956" is the caption for a photograph of Rimbaud; a photograph of Verlaine appears twice, once captioned "Mark Rothko," but once "Alfonso Ossorio," though the latter is alive and well. The layout of the collages suggests a home theatre before assembly, or a cardboard cut-out I have of Frank Lloyd Wright's Robie House in which architectural fact becomes fantastic in its paper equivalent. Johnson compresses Betty Parsons' history into a pert, labyrinthine personal mythology.

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TREMBLING

This trembling is the trembling of a tree.
Now one, now another branch of leaves
sways in its own time.

But I am also the wind.

Todd Gitlin

At Buecker and Harpsichords, 465 West Broadway, is a show that happens to amplify an aspect of Betty Parsons' Gallery—the "Coenties Slip Exhibition" (through February, Wednesday to Saturday, 12 to 6 P.M.). A slip is "an inclined plane, sloping to the water, on which vessels are built or repaired" (Random, unabridged). Coenties Slip, like others filled in during the 19th century, is at the southern end of Manhattan Island. It was a center of artists in the late 1950s and early 1960s. In the exhibition, which is small but rewardingly precise in its selection, are Robert Indiana, Kelly, Martin, Fred Mitchell, Lenore Tawney and Youngerman. That is by no means the whole Coenties roster (Rosenquist was there, for example), but it includes the artists connected to Betty Parsons.

Several of Indiana's early constructions are in the show, including one "Duncan's Column" (ca. 1960), which takes its name from Youngerman's son. Among the Martins is one of her rare constructions, "Kali" (ca. 1959), a block of wood supporting neat rows of massive rusty screws. (This mixture of orderly presentation and the use of found material is typical of the period.) The contacts among artists at early stages in their development are often illuminating and they are well evoked in the case of this (informal) group. One remembers, for example, that Indiana and Youngerman ran a joint art school in the Slip, though one artist can be related to Pop art and the other strictly to Abstract painting. There is probably a reference to this in Johnson's history if you can only find it. □

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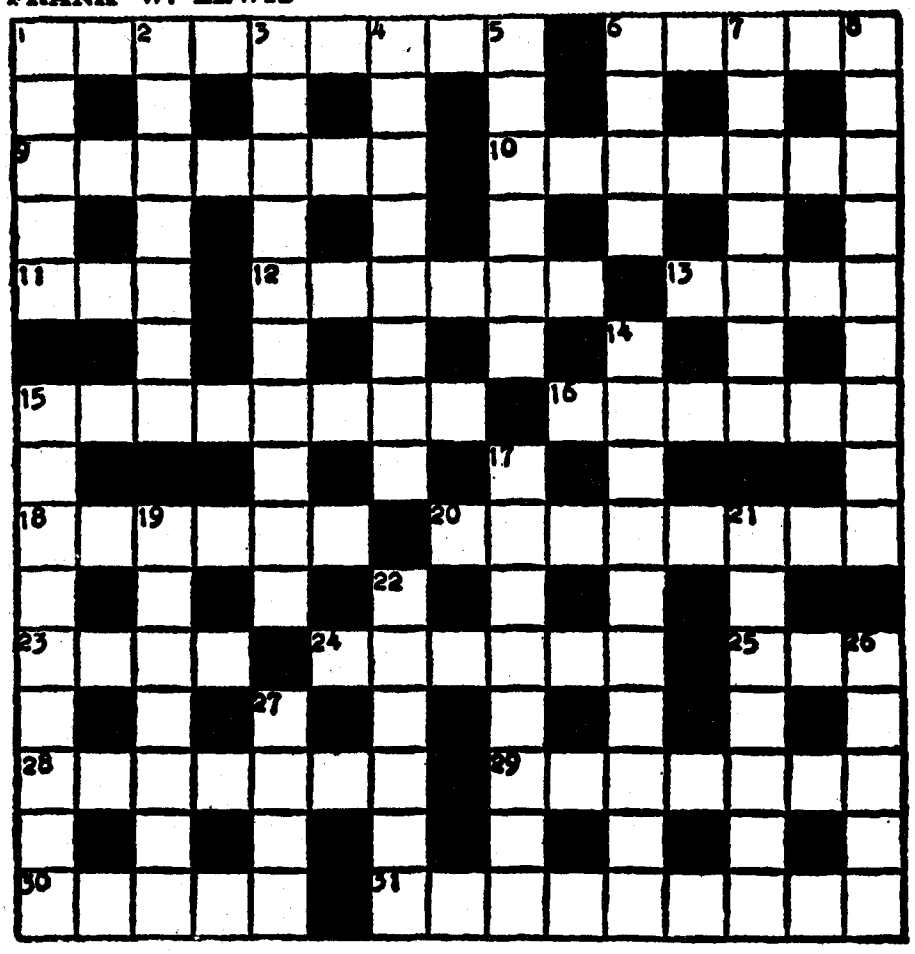
Crossword Puzzle No. 1475

FRANK W. LEWIS



ACROSS

1 and 10 Lothario as a high tenor might be appropriate to this Strauss offering. (4,5,3,4)
6 See 23 across.
9 As an understatement, it shows how a child can be caught in falsehoods. (7)
10 See 1 across.
11 Desmond Morris's was human. (3)
12 Tricked into believing he'd put about nothing on the cutter. (6)
13 and 25 across Get rolling again, and relax with painting? (7)
15 and 16 See 27 down.
18 Make bony. (6)
20 Commissars such as Queen Elizabeth? (8)
23 and 6 across Kindred spirits must lose a sort of it. (9)
24 Umbrellas are logically finished this way. (4,2)
25 See 13 across.
28 Tents sometimes should be 21 in the past. (7)
29 See 6 down.
30 March ostentatiously in support of something. (5)
31 Straggling gray lines of young animals. (9)

DOWN

1 Typified by 1 and 10 across. (5)
2 Impregnated by such as saltpeter. (7)
3 Broom? (10)
4 State briefly where one took place with a famous siege town. (8)
5 None are really showing more proximity this way. (6)
6 and 29 across Forced to choose a meal personally suited to one? (4,2,5)
7 He suggested quiet desperation was a lot for a lot. (7)
8 A town without noteworthy features might be deprived in one sense. (9)
14 Doing night-time squad-car duty? (2,3,5)
15 Smooths things out over a period of time for Caesar, but not in a cavalier manner! (9)
17 Martin-Coy set-to? (8)
19 Unrest a quiet stroll might cause? (7)
21 Desert, with all but the capital of Gobi? (7)
22 See 27 down.
26 Not only defeatist students might have to come to them. (5)
27, 15 across, 22 and 16 Questionable comment on more than one period of perfection. (4,2,2,4,2,1,3,2,4)

SOLUTION TO PUZZLE NO. 1474

ACROSS: 1 Catcher in the Rye; 9 Niagara; 10 Warship; 11 Effete; 12 Treasury; 14 Vacillates; 15 Mesa; 17 Tack; 19 Identified; 22 One-sided; 23 Coward; 25 Impasto; 26 Corvine; 27 Ten Commandments. DOWN: 1 Conservationist; 2 Traffic; 3 Heartily; 4 Ream; 5 New Orleans; 6 Herman; 7 Rehouse; 8 Empty-handedness; 13 Land reform; 16 Kilogram; 18 Cheapen; 20 Italian; 21 Fiasco; 24 Scan.

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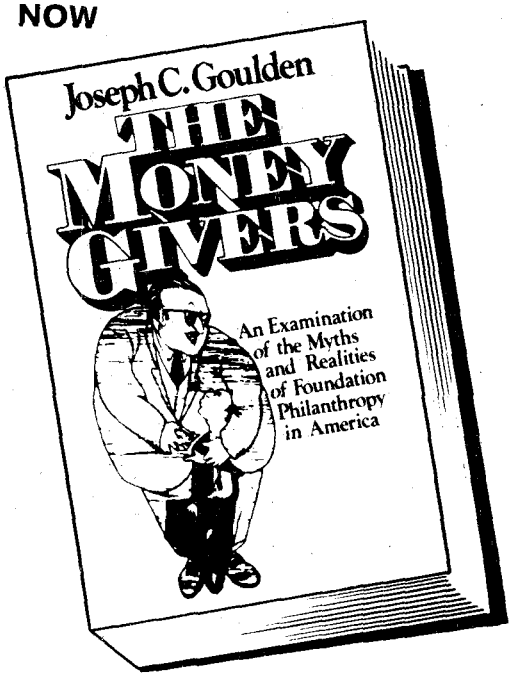

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